This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

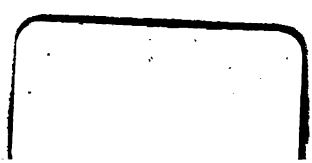
+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`



AP
ACE
IGZ

10866
3

CAUSES CÉLÈBRES

VOL. II

TRIAL

OF

QUEEN CAROLINE

PART II

NEW YORK
JAMES COCKCROFT & CO
1874

Entered, according to the Act of Congress, in the year 1874
By James Cockcroft & Company,
In the Office of the Librarian of Congress, at Washington.

THE

TRIAL OF QUEEN CAROLINE.

HER MAJESTY'S DEFENCE.

MR. BROUGHAM began to address their lordships in a very low tone of voice:—The time had now arrived when it became his duty to address himself to their lordships in defence of his illustrious client. But when the moment which he had so anxiously desired had at length come, he felt the greatest alarm. It was not, however, the august presence of that assembly which oppressed him, for he had often experienced its indulgence; neither was it the novelty of the proceedings that embarrassed him, for to novelty the mind gradually gets accustomed, and becomes at last reconciled to the most extraordinary deviations; nor was it even the great importance and magnitude of the cause he had to defend which perplexed him, for he was borne up in his task with that conviction of its justice, and of the innocence of his illustrious client, which he shared in common with all mankind. But it was even that very conviction which alarmed him—it was the feeling that it operated so zealously and so rightly which now dismayed him, and made him appear before their lordships, impressed with the fear that injustice might be done to the case by his unworthy mode of handling it. While, however, other counsel have trembled for fear of guilt in a client, or have been chilled by

indifference, or have had to dread the weight of public opinion against them, he had none of these disadvantages to apprehend. Public opinion had already decided on the case, and he had nothing to fear but the consequences of perjury. The apprehension which oppressed him was, that his feeble exertions might have the effect of casting, for the first time, this great cause into doubt, and turning against him the reproaches of those millions of his countrymen now jealously watching the result of these proceedings, and who might perhaps impute it to him if their lordships should reverse that judgment which they had already pronounced upon the charges in the present state of the case. In this situation, with all the time which their lordships had afforded him for reflection, it was difficult for him to compose his mind to the proper discharge of his professional duty; for he was still weighed down with the sense of the heavy responsibility of the task he had undertaken. He must also observe, that it was no light addition to the anxiety of this feeling to foresee that, before these proceedings closed, it might be his unexampled lot to act in a way which might appear inconsistent with the duty of a good subject—to state what might make some call in question his loyalty, though that was not what he anticipated from their lordships. He would now remind their lordships that his illustrious client, then Caroline of Brunswick, arrived in this country in the year 1795; she was the niece of the Sovereign, and the intended consort of the heir-apparent, and was herself not far removed from the succession to the crown. But he now went back to that period, solely for the purpose of passing over all that had elapsed from her arrival, until her departure in 1814; and he rejoiced that the most faithful discharge of his duty permitted him to take this course. But he could not do this without pausing for a moment to vindicate himself against an imputation to which he might not unnaturally be ex-

posed, in consequence of the course which he pursued, and to assure their lordships, that the cause of the Queen, as it appeared in evidence, did not require recrimination at present. The evidence against her Majesty, he felt, did not now call upon him to utter one whisper against the conduct of her illustrious consort, and he solemnly assured their lordships, that but for that conviction, his lips would not at that time be closed. In this discretionary exercise of his duty, in postponing the case which he possessed, their lordships must know that he was waiving a right which belonged to him, and abstaining from the use of materials which were unquestionably his own. If, however, he should hereafter think it advisable to exercise this right—if he should think it necessary to avail himself of means which he at present declined using—let it not be vainly supposed that he, or even the youngest member in the profession, would hesitate to resort to such a course, and fearlessly perform his duty. He had before stated to their lordships—but surely of that it was scarcely necessary to remind them—that an advocate, in the discharge of his duty, knows but one person in all the world, and that person is his client. To save that client by all means and expedients, and at all hazards and costs to other persons, and, among them, to himself, is his first and only duty; and in performing this duty he must not regard the alarm, the torments, the destruction which he may bring upon others. Separating the duty of a patriot from that of an advocate, he must go on reckless of consequences, though it should be his unhappy fate to involve his country in confusion. He felt, however, that, were he now to enter on the branch of his case to which he had alluded, he would seem to quit the higher ground of innocence on which he was proud to stand. He would seem to seek to justify, not to resist the charges, and plead not guilty—to acknowledge and extenuate offences, levities, and indiscretions, the very

least of which he came there to deny. For it was foul and false to say, as some of those, who, under pretence of their duty to God, forgot their duty to their fellow-creatures, had dared to say—and they knew it to be false and foul when they asserted it—that any improprieties were admitted to have been proved against the Queen. He denied that any indiscretions were admitted. He contended not only that the evidence did not prove them, but that it disproved them. One admission he did make; and let the learned counsel who supported the bill take it, and make the most they could of it, for it was the only admission that would be made to them. He granted that her Majesty had left this country for Italy; he granted that while abroad she had moved in society chiefly foreign, inferior probably to that which, under happier circumstances, she had known —and very different, certainly, from that which she had previously enjoyed in this country. He admitted, that when the Queen was here, and happy, not, indeed, in the protection of her own family, but in the friendship of their lordships and their families, that she moved in more choice and dignified society than any in which she has since had the good fortune to be placed. The charge against her was—that she went to Italy, and that, instead of associating with the peers and peeresses of England, she took to her society only foreigners. He fully admitted that her Majesty had been under the necessity of associating with Italian nobility, and sometimes with the commonalty of that country. But who are they that bring this charge? Others might blame her Majesty for going abroad—others might say that she had experienced the consequences of leaving this country and associating with foreigners; but it was not for their lordships to make this charge. They were the very last persons who should fling this at the Queen; for they who now presumed to sit as her judges, were the very witnesses she must call to acquit her of this charge.

They were, in fact, not only witnesses to acquit, but had been the cause of this single admitted fact. While her Majesty resided in this country she courteously threw open her doors to the peers of England and their families; she graciously condescended to court their society; and, as long as it suited certain purposes which were not hers—as long as it served interests in which she had no concern—as long as she could be made subservient to the ambitious views of others—she did not court in vain. But when a change took place —when those interests were to be retained which she had been made the instrument of grasping—when that lust of power and place to which she was doomed to fall a victim had been satisfied—then in vain did she open her doors to their lordships and their families; then it was that those whom she had hitherto condescended to court—and it was no humiliation to court the first society in the world—abandoned her. Her Majesty was then reduced to the alternative of begging society in this country as a favor, or of leaving it. She could not, by humbling herself, have obtained the society of British peeresses, and must have sought that of other classes, or gone abroad. Such, then, being the circumstances, it was not in the presence of their lordships that he expected to hear the Queen reproached for going abroad. It was not here that he had thought that any one would have dared to lift up his voice, and make it a topic of censure that the Princess of Wales had associated with foreigners—with some whom, perhaps, she might say she would not, and ought not to have chosen under other and happier circumstances. Up to this period her Majesty had still one pleasure left. She enjoyed, not indeed the society, but the affection and grateful respect of her beloved daughter. An event of all things most grateful to a mother's feelings soon after took place—the marriage of her beloved daughter. Of this event her Majesty received no

announcement. Though all England was looking towards the approaching event with the deep interest it so well calculated to excite—though all Europe was looking at it with the liveliest feelings, and with all the knowledge of the interesting event which was about to take place—still there was one person, and one only, left in ignorance of the whole proceeding, and that solitary individual was the mother of the bride. All that she had done up to that time to deserve this treatment was, that she had been charged, and afterwards acquitted, of an alleged crime, and her perjured persecutors rendered infamous; and this treatment she received from his Majesty's servants, some of whom had risen in power by having made her a tool to promote their own interests. The Queen heard of the approaching marriage of her only child accidently; she heard it from a courier, who was going from this country charged with a notification of it to his Holiness the Pope —that ancient, intimate, and much-valued ally of the Protestant Crown of England. The marriage of her daughter took place; it excited the sensations which it was so well calculated to produce, as the promised source of so much happiness to the Royal Family and the nation. The whole of that period passed without the slightest communication being made to the Queen. The period of the Princess Charlotte's *accouchment* arrived; her mother was then fearful of opening a communication upon the subject, knowing the agitation it might create in the mind of her beloved daughter. She knew at such a moment the perilous results that might follow to the beloved object of her maternal solicitude, were she at that period to create any agitation in her mind upon a topic which might expose her to a quarrel with power and authority on the one hand, or combat her peace and affection on the other. An event followed which destroyed forever the hopes of the country—an event which filled all England with grief and sorrow,

and with a mourning in which all their foreign neighbors unaffectedly sympathized. With a due regard for the sympathy of foreign powers, the sad tidings were rapidly conveyed to each of the allies of Great Britain, to every power and state connected with her, and to some that were not. But to the Queen, again, no communication was made. She who, of all the world, had the deepest interest in the event—she whose feelings must necessarily be, of all mankind, the most overwhelmed and stunned by the awful communication, in any manner in which it could be made—was left to be so stunned and overwhelmed, by hearing by accident of the death of her daughter, as she had by accident heard before of her marriage. If she had not heard the dreadful news by accident, she would ere long have felt its occurrence; for the death of the deceased daughter was soon conveyed to the agonized mother by the issuing of the Milan commission, and the commencement of that process against her honor, station, and character. How wretched was not the lot of this lady, as displayed in all the events of her chequered life! It was always her sad fate to lose her best stay, her strongest and surest protector, when danger threatened her; and by a coincidence most miraculous in her eventful history, not one of her intrepid defenders was ever withdrawn from her, without that loss being the immediate signal for the renewal of momentous attacks upon her honor and her life. Mr. Pitt, who had been her constant friend and protector, died in 1806. A few weeks after that event took place, the first attack was levelled at her. Mr. Pitt left her as a legacy to Mr. Perceval, who became her best, her most undaunted, and firmest protector. But no sooner had the hand of an assassin laid prostrate that Minister, than her Royal Highness felt the force of the blow by the commencement of a renewed attack, though she had but just been borne through the last by Mr. Per-

ceval's skilful and powerful defence of her character. Mr. Whitbread then undertook her protection, but soon that melancholy catastrophe happened, which all good men of every political party in the state, he believed, sincerely and universally lamented: then came with Mr. Whitbread's dreadful loss the murmuring of that storm which was so soon to burst with all its tempestuous fury upon her hapless and devoted head. Her daughter still loved, and was her friend; her enemies were afraid to strike, for they in the wisdom of the world, worshipped the rising Sun. But when she lost that amiable and beloved daughter, she had no protector: her enemies had nothing to dread: innocent or guilty, there was no hope, and she yielded to the entreaty of those who advised her residence out of this country. Who, indeed, could love persecution so steadfastly, as to stay and brave its renewal and continuance, and harass the feelings of the only one she loved dearly, by combating such repeated attacks, which were still reiterated after the record of the fullest acquittal? It was, however, reserved for the Milan commission to concentrate and condense all the threatening clouds which were prepared to burst upon her ill-fated head; and, as if it were utterly impossible that the Queen could lose a single protector without the loss being instantaneously followed by the commencement of some important step against her, the same day which saw the remains of her venerable Sovereign entombed—of that Sovereign who was from the outset her constant father and friend—the same sun which shone upon the Monarch's tomb, ushered into the palace of his illustrious son and successor one of the perjured witnesses who was brought over to depose against her Majesty's life. Why did he mention these melancholy facts to their lordships? Was it to illustrate the trite remark of the miserable subserviency of trading politicians? Was it to show that Spite was the twin brother of In-

gratitude, and that no favor could bind those whose nature was peevish and bad?—that favors conferred, only made base passions more malignant against a benefactor? No; to dwell upon so trite a remark would indeed be futile and unnecessary in the presence of their lordships. But he said it to impress upon their lordships a deep sense of his own unworthiness to perform this duty to the Queen, and unfeigned consciousness of his inability to follow such powerful men as he had named in the defence of this illustrious individual, and to assure their lordships how deeply sensible he was of his want of power to make for his illustrious client that conclusive and irresistible defence on this occasion, which, were they alive and filling their wonted duty, they would not fail to do, to the utter discomfiture of her Majesty's enemies. Before he proceeded further in the results to which he was prepared to contend the details of the evidence in this case must lead, he must beg to call their lordships' attention to what that evidence did not do. He meant to point out the parts of his learned friend the Attorney-General's opening statement, which, instead of receiving support from the evidence, were either not touched upon by it at all, or actually negatived out of the mouths of his own witnesses. His learned friend should speak in his own words the statement of the plan and construction of his own case. It was most material also for them to bear in mind, that his learned friend was in his statement directed by the instructions which were put into his hands; for this speech ought, of course, to be considered as the mere transcript of his instructions, the mere outline of the documents submitted to him—documents prepared too in a way which nobody need be at any loss to guess. His learned friend nearly in his commencement, used these words—"I will most conscientiously take care to state nothing which in my conscience I do not think—I do not believe—I shall be

able to substantiate by proof." He need not have so strongly appealed to his conscience, for he (Mr. Brougham) fully believed him when he said he spoke from his instructions; he readily believed that he spoke from his brief, and said nothing else but what he found in his brief. He believed that, at the time his learned friend made his opening statement; he equally believed it now, when he had failed in substantiating that statement by proof. He knew full well that there was no other way for that statement to have got into his learned friend's brief but out of the mouths of the witnesses, who at first had not hesitated to garnish their stories, though they were not afterwards found hardy enough to adhere to their falsehoods when brought to their lordships' bar. When they came to the point, they were scared from their first statements. He would read a few samples of the statement between the Attorney-General's statement and his subsequent evidence, for the purpose of showing the value at which their lordships ought to estimate that evidence. In the first, his learned friend had pledged himself that the evidence of her Majesty's alleged impropriety of conduct would be brought down almost to the present time; but subsequently he did not attempt so to bring it down during any part of the last three years, that is to say, during a space of time exactly equal to the other space over which his evidence actually adduced extended. Here he begged leave to revert to the following passages of the Attorney-General's opening statement, which he took from the short-hand writer's notes:—"On the arrival of her Majesty's suite at Naples, it was so arranged that her Majesty's sleeping room was at an opposite side of the house to that of her menial domestics, among whom was her courier. On the first night of her Majesty's arrival at Naples (the 8th of Nov.), to which he had called their lordships' attention, this arrangement was continued. Bergami slept in that part

of the house which had been prepared for the domestics, and young Austin slept in her Majesty's apartment. But on the following morning, November the 9th, the servants of the establishment learned with some surprise, because no reason appeared to them for the change, that Bergami was no longer to sleep in that part of the house where he had slept the night preceding, but that it was her Majesty's pleasure that he should sleep in a room from which there was a free communication with that of her Majesty, by means of a corridor or passage." "Upon the evening of the 9th of November, her Majesty went to the Opera at Naples, but it was observed that she returned home at a very early hour. The person who waited upon her, on her return, was the maid-servant, whose duty it was particularly to attend to her bed room." "The female servant retired; but not without those suspicions which the circumstances he had mentioned were calculated to excite in the mind of any individual. She knew, at the time, that Bergami was in his bedroom, for this was the first night of his having taken advantage of the arrangement which had been previously made. It was quite new, on the part of the Princess, to dismiss her attendants so abruptly; and when her conduct and demeanor were considered, suspicions arose which it was impossible to exclude. But if suspicions were excited then, how were they confirmed on the following morning? If I prove (said the Attorney-General) by evidence at your lordships' bar what I am now going to state, I submit that there will then be before your lordships, evidence on which no jury would hesitate to decide that adultery had that night been committed between this exalted person and her menial servant; for, upon the following morning, on observing the state of her room, it was evident that her Majesty had not slept in her own bed that night. Her bed remained in the same state as on the preceding evening, while the

bed of the other person had, to those who saw it, clear and decisive marks of two persons having slept in it." Their lordships would perceive, that every one of these assertions in his learned friend's speech rose one above the other, in successive height, according to their relative importance, and that even the lowest of them it was of essential importance to sustain by evidence for his case. But every one of them he not only failed to prove, as he promised to prove, by evidence, but he actually negatived some of the most material of them by the witness whom he produced at the bar, evidently for the purpose of substantiating them. When the witness De Mont was at the bar, he repeatedly asked her respecting these parts of his statement; but she who was destined to tell them all, denied any knowledge of where the Queen went on that particular night alluded to. She denied that she knew where the Queen went after she left her bedroom. When asked whether the Queen on that particular morning rose at her usual hour, her answer, so far from confirming the opening statement was affirmative of her Majesty having got up about her usual hour. Nor did she know of anybody having called to pay visits in the course of that morning, though pointedly asked, for the purpose of speaking to all the facts so forcibly urged in the Attorney-General's statement. In the next place, when either the Attorney-General, or his colleague, the Solicitor-General, spoke of the passing occurrences in Italy, they evidently spoke from their instructions, and not from any personal knowledge of their own upon the manners of the country; for symptoms of having ever been in Italy, they showed none. They had clearly never been there, or else they could not have spoken of the manners of Italy as they had done. For instance, see what they said about the masquerade and the Cassino, which was the sort of society from which Colonel Brown was lately rejected: "Whoever," said the Solicitor-General, "was

seen for any proper purpose going to a masquerade in this sort of disguise?" What a pity that her Majesty did not, to suit the views of his learned friends, go to the masquerade in a state coach, with coachmen in splendid liveries, and lacqneys bedizened out from head to foot, with all the pomp and show of state ceremony. What a pity she did not, on such an occasion, adopt this suitable and becoming state paraphernalia, instead of quitting her house in a private coach, instead of going out through a back door. Why had she not the eyes of the world upon her when she went forth, instead of quietly passing without pomp or show? It was a wonder that his learned friend did not go on and say, "Why did she go in a domino and disguised cap to a masquerade? who ever before heard of this disguise on such an occasion?" How little did his learned friends know, when they talked in this manner, of the royal recreations of Murat's court! He would refer to another part of his learned friend's speech, where he said, that "During her Majesty's residence at Naples, another circumstance took place, to which it was his duty to call their lordships' attention. A masquerade was held at a theatre called, he believed, the Theatre of St. Charles. To this entertainment her Majesty chose to go in a very extraordinary manner, accompanied, not by Lady Charlotte Lindsay or Lady Elizabeth Forbes, or even by any of the gentlemen of her suite, but by the courier Bergami and a femme-de-chambre of the name of De Mont. The dresses chosen by her Majesty for herself and her companions to appear in on this occasion were, as he was instructed, of a description so indecent, as to attract the attention of the whole company, and to call forth marks of general disapprobation. Indeed so strong was the disapprobation, that her Majesty finding she was recognized, was under the necessity of withdrawing with her companions from the entertainment, and returning home." Now, what did Madame de

Mont say, when called upon to describe this "most indecent and disgusting dress of her Majesty?" Why, all that the perseverance and ingenuity of his learned friend could extract from the witness (no very unwilling one) was, that the Princess, on that occasion, wore what she (De Mont) called "ugly masks;" for strange as it might appear to his learned friends, she went to the masquerade in a mask! Indeed, if she had not gone so, she would have had no business there. He should, he feared, greatly fatigue their lordships, were he to go over the whole of the numerous parts of his learned friend the Attorney-General's speech, which were left utterly unproved by the evidence. They would recollect that the Attorney-General stated he had evidence to prove that the Queen and Bergami were for a considerable time locked up together in a room at Messina in the night, and that the sound of kisses was heard from within: it now turned out that only voices were heard, and of whom the witness could not say! It was also stated that, on the 12th of April—(for their lordships would observe his learned friend never forgot dates—his particularity was in this respect remarkable;)—on the 12th of April, at Sadouane, he had stated that the access to the Princess's room was through Bergami's, in which no bed was. But passing over this and a number of ineffectual attempts to obtain answers from De Mont, in comformity with the statement, he would recal their lordships' attention to the statement of the allegations which it was intended through Majocchi to substantiate, his learned friend had said, "that the Princess remained in Bergami's bedroom a considerable time, while he was sleeping there, and the witness then distinctly heard the sound of kissing." Now what did Majocchi himself say in this part of his testimony? He distinctly said, "that she remained the first time about ten minutes, and at another time fifteen minutes," and he only heard "whispering." Then, again, in Sacchi's

evidence, who was the courier that brought the answer back to Milan, which he was to deliver to Bergami, by Bergami's own order, at whatever hour of the night he returned,—his learned friend stated, that the courier, (which courier was Sacchi,) on repairing to Bergami's bedroom, did not find him there, but soon after observed him coming from the direction of the Princess's room; and that Bergami then told him the cause of his being out of bed then was, having heard his child cry, and that he had gone to see what was the matter. But when Sacchi was brought to give his evidence, not a word of this came out in answer to the repeated questions put to him to elicit such a corroboration of the statement. Then came next in order the disgraceful scene which was represented to have occurred at the Barona; so disgraceful, that his learned friend declared it made the place in which it was transacted deserve rather the name of a brothel than of a palace. His learned friend asserted, when he gave it this designation, that he was prepared with the most entire and satisfactory proof to show that so disgusting was the scene, the servants became shocked by what they were obliged to witness. Her Majesty, according to the Attorney-General, had become at this time deserted by all the English persons in her suite. These were the words of his learned friend:—"It was certainly very singular, that on leaving Naples, her Majesty was abandoned by the greater part of her English suite. Mr. St. Leger, it was true, had quitted her before; he left her at Brunswick, and he therefore admitted that no inference could be drawn from his case. But on her Majesty's departure from Naples, Lady Charlotte Lindsay and Lady Elizabeth Forbes were left behind. No, he begged pardon, Lady C. Lindsay did not leave the Queen until they were at Leghorn, in March, 1815. At Naples, however, Lady E. Forbes, Sir W. Gell, the Hon. Mr. Craven, and Capt. Este, certainly did separate from her.

Thus, of the several persons who composed her Majesty's suite when she left this country, no less than four left her at Naples." But his learned friend forgot, that of these persons whom he so hastily dismissed from her Majesty's service at Naples, she was afterwards joined by Lady Charlotte Lindsay. How did it happen, he would ask, if the Princess's servants had become so shocked at the occurrences at the Barona, that they never communicated their astonishment to the servants of Lady Charlotte Lindsay, with whom they were in hourly communication? Was it likely that such feeling, if it pervaded the servants, would be kept as a grave-like secret from first to last by those who were the depositaries of it? But, after Lady Charlotte Lindsay joined the Princess, Lord and Lady Glenbervie came, Lady Charlotte Campbell came, and others equally honorable and equally virtuous: and yet, notwithstanding the servants were, as it were, astounded by the practices then occurring at the Barona, there was not one whisper to the servants of the English personages of rank who rejoined her Royal Highness as part of her suite. These joined her Royal Highness after the scenes at the Barona; some met the Princess at Naples, some joined at Rome, others at Leghorn. Aye, at even much later periods, her Majesty was attended by illustrious company. The Queen's company, in fact, became rather improved than neglected, at the time alluded to. She was constantly received, and with suitable respect, after her return from the long voyage. She was courteously received by the legitimate Sovereign of Baden, and the still more legitimate Bourbon of Palermo. She was courteously treated by the legitimate Stuarts, of Sardinia, whose legitimacy stands contradistinguished from the illegitimacy of the family whose possession of the throne of these realms stands upon the basis of public liberty and public rights. She was received even by a Prince who ranks higher in point of legitimacy—the Bey

of Tunis. (A laugh.) She was also received with the same respect by the representative of the King at Constantinople. In fact, in all those countries she met with that reception which was due to her rank and consideration. He trusted their lordships would suffer him now to dwell more minutely upon the statement of the case as opened by the Attorney-General, and the case as proved by his learned friend. The case, as opened, it was of no little importance to dwell upon. Was it not marvellous to have such a case, and to be capable of adducing in support of it such witnesses? Was it not, in the next place, more marvellous to find that such a case was left so miserably short, as it must be admitted this case was left, in comparison between the evidence and the opening statement? In the ordinary cases of criminal conversation, the two very witnesses who of all others were deemed of the utmost importance were the female's woman in attendance, and the man's body servant, or serving-man. These were the servants who must know the fact, if the criminal conversation took place. They had these witnesses here; they therefore had their case under the most favorable auspices—they had the man's valet, and the woman's maid. These, in an ordinary case, would be deemed conclusive witnesses. The man's servant was rarely to be had for prosecution, from the nature and manner of the action; but if counsel could get the female servant, they generally deemed their case proved. They had also, if their case were true, the very extraordinary, unaccountable, and unprecedented advantage of having parties to proceed against for the fact, who, from beginning to end, concealed no part of their conduct under the slightest or even most flimsy disguise. Throughout the whole of the proceedings these parties, knowing they were watched, discarded all schemes of secrecy—showed an utter carelessness of the persons who were watching them—threw off all ordinary trammels—banished from

their practice every suggestion of decorum and prudence—and, in fact, gave themselves up to the gratification and indulgence of their passion, with that warmth which is only found in the hey-dey of young blood, and with that utter indifference to reserve which marks the conduct of those who are joined together in those bonds, which make the indulgence of their passion rather a virtue than a crime. There was no caution or circumspection here. If they believed any one part of the evidence relied upon by his learned friend the Solicitor-General, there was not only no caution used by the parties to prevent discovery, but every thing which the most malignant accuser could require to fortify his case was left open by the parties who were to suffer by the proof. He entreated their lordships to observe how every part of the case was left open to this remark; and after having entreated them to bear it in mind, and apply it hereafter when they came to consider the evidence, he should simply observe, that just in proportion as the conduct became criminal, and of the most unquestionably atrocious nature and character, exactly in the same proportion would the parties be found to have taken especial care, that during their commission of the act they had present, and seeing it, good witnesses, to detect, and expose them for their conduct. Thus it would be seen that they were sitting together in familiar proximity. The act is also seen with the addition of the lady's arm round the neck, or behind the back of her paramour. When it is necessary to trace their conduct a step higher in the scale of criminalty, and to exhibit the parties in such an attitude as to leave no room for explanation or equivocation, the act is done, not in a corner, apart from any scrutinizing eye, but in a villa filled by servants, and where hundreds of workmen are at the very time employed; and all this too is done, all this saluting is performed in open day, and exposed to the general gaze. Especial pains are taken that the slander

shall not be secret, but, on the contrary, that it shall be liable to the most widely-diffused publicity. It would not do that Bergami, upon his departure on a journey from the Queen, while in Sicily, should salute her Majesty before the servant entered the room. No; the exibition of that act was reserved for the presence of a servant to tell it. The same was the case in the story about Terracina. All the parties were on deck; they could not take the salute in their own cabin; it must be delayed until Majocchi enters to witness it. Even the act of sitting on Bergami's knee upon the deck is adjusted in the presence of the crew and passengers. Care is taken that it shall be directly seen by at least eleven persons. The frequent and free saluting on the deck, which when committed in a particular manner, must leave little doubt of the subsisting intercourse between the parties—even that must be done, not at night, nor in the dark and privacy of the cabin, but before everybody, and in open day. But the case which their lordships were called upon to believe, was not left there, for the parties were represented as having taken the indispensable precaution of granting even the last favors within the hearing of witnesses. They were described as habitually sleeping together in all their journeys by land and sea. She could not even retire to change her dress, but Bergami must attend in the dressing-room—first, of course, the parties taking care to have a witness present to speak to the fact. He could not dwell with calmness upon the representation of these disgusting scenes, with the peculiar features of enormity which were attached to them, without repeating, that exactly in proportion as they partook of the most aggravated character, and denoted an utter contamination of the mind, precisely in that extent were increased pains taken that they should not be done in a corner. No hidden places or recesses were selected or chosen by the parties for the free and safe indul-

gence of their passion from the prying eyes of those about them. They sought no secluded chamber in those places of abomination so well known upon the Continent, and which are degraded under the dignified name of palaces. The parties took no opportunity of seeking those hidden haunts of lust, which might have been so hastily found. They sought no island among those which were the seat of such scenes in the times of antiquity, when society was less scrupulous of the conduct of its members than now. They sought no haunts among the Capræ of old, to revive in them those lascivious acts of which they were the ancient scene. They acted, on the contrary, before witnesses —they conducted themselves in open day-light, in the face of couriers, servants, and passengers. Was such folly ever known before in the history of human acts? Was ever folly so extravagant disclosed in the most unthinking acts of that youthful period, when the blood boils in the veins? Was ever, even then, in that proverbial period of thoughtless levity, a being so recklessly insane as to have acted in this manner? There never was, he believed, such an instance in the history of human passions. The conduct of the parties did not stop here; for, lest the witnesses who saw the acts might not easily be forthcoming for the enemies of the accused, they were every one of them discarded by the person who was to be the victim of their testimony. They were successively dismissed either for cause or without it—indeed, he might say, most of them without it, for the cause stated was of the flimsiest kind. This dismissal was followed by a positive refusal to take them back, when every human inducement would have prompted the Queen to have permitted their return, if she had had any reason to dread their resentment. Each of the witnesses who had to perform a part in the Italian drama was successively dismissed, and this at a time when the Queen was

aware of the proceedings that were pending against her, and of course was interested in whatever testimony they had to give. But was this all that the Queen had done, to show her utter disregard for the efforts of her accusers? Did she not face them, when she might have easily and honorably avoided their malice? When that opportunity was afforded her Majesty, she was counselled and implored to pause and reflect upon the opportunity then offered to her—she was warned to consider before she faced her enemies—she was entreated to bethink herself well before she ran into her case: and what had been her conduct? Her instant determination was to come here to England without delay, and confront her enemies. Up to the last moment, her conduct displayed the same magnanimity; up to the last moment she refused the offer of a magnificent retreat, which would have enabled her not only to indulge whatever propensities she pleased without control, but even to move abroad with the safeguard and vindication of her honor formally pronounced by the two Houses of Parliament. If this were the conduct of guilt, then all he could say was, that it was the most extraordinary instance of its display which he had ever heard or read of. If these were the means to which vice adhered, then he could only say, they were not to be traced to any known spring of human action. With respect to the manner in which the proof of the case had been left, he was bound to remark, that it was left in such a manner as would be deemed fatal in any ordinary case. Such a statement was unparalleled. Nothing could be more distant from his intention, than to ascribe a motive too like that motive which was commonly attributed on the other side. Far was it from him to attribute the formation of a conspiracy against the life or dignity of the Queen to any individuals, however high in rank, or notorious in power; but if an irregular

course had been pursued, to whose account was that irregularity to be laid? On the contrary, all the specimens of their forthcoming evidence were, as far as already admitted or understood, altogether equivocal and ambiguous. Well might their lordships cordially agree to this measure, if they looked not to after-consequences. He would not say that it was a conspiracy against her Majesty; but he would say that no set of conspirators (be they who they might) could have marked out a common story answerable to their purpose, other than that which had been pursued through the entire preparations of the business. They could not do better than get rid of this Bill of Pains and Penalties. Their lordships would of course look to the evidence, and examine and sift it, as to its solid worth, long before they could form a disposition (to say nothing of judgment) independent of what had appeared in evidence at their own bar. Now then, when he ventured to allude to what was called on the other side minute and circumstantial evidence—when he approached that subject of all delicacy—those points on which the Attorney-General seemed to feel so sore —on the first blush of such evidence; let the merits of this evidence be fairly discussed, let it be examined, let the whole matter be fairly canvassed. But if it be possible that a grave and serious design was accidentally formed amongst any set of individuals; if it were possible that a design (far was it from him to say a conspiracy)—if it were possible for a design, and not a conspiracy, to be so formed; if it were possible that, with an artificial avoidance of that name, all its effects were realized, how then would their lordships be disposed to look at this mighty question? What was the general character of that evidence? Their lordships well knew—the world at large also knew—that the first act, the prime resource, of those who directed their aims against domestic happiness, was the corrupting of menial servants. He

did not charge that description of persons with any general disposition to commit crimes; it was enough for him to bring before their lordships the undoubted, the incontrovertible evidence, although facts were sworn to, which facts in their own nature admitted of no disproof. Never before had the private peace of any individual been so assailed. It was not usual thus to expose the domestic circumstances of any family, or to trespass upon private comfort in a way so careless. Undoubtedly their lordships had been well advised, well persuaded: they had indisputably proceeded on reasons equally firm and obvious, when they excluded her Majesty from some of those advantages possessed by every other subject of this realm. Evidence, such as it was, that had already been produced, was of a description quite singular, exclusive, and appropriate. The witnesses produced at their lordships' bar, in support of the charges made by Mr. Attorney-General, were indeed involved in a sad confusion. Their lordships would have the kindness and the attention to dwell on this part of the subject. Were menial servants —were persons who acted for a long time in that capacity—were these (and he pressed the question on their lordships) fair witnesses in a court of equity, or in any assembly proceeding upon moral rules? He was, he could assure their lordships, as much disposed to respect the sanctimony of an oath, even when taken by foreigners, as any individual in the land. He respected the sanction when it came from the mouths of his countrymen, and he respected it also from the mouths of foreigners. But if there was a community in Europe stigmatized and degraded below the average estimation of European communities—and he could assure them that he meant no disparagement to the Italian character in general—many were the proofs, or testimonies, on this occasion. What! were the peers of England to be thus engaged, day after day,

and month after month? What was the real character of this evidence? The witnesses advanced and shown at the bar of their lordships, were witnesses extracted from a foreign land, imported at a prodigious expense, and under none of those restraints which pressed upon witnesses chosen from the mass of the community at home, and retiring, after making their depositions, into the bosom of that society. This was not the sort of testimony with which the people of England would be satisfied; it was not testimony that could satisfy their lordships. He knew them too well to suppose that feeble or imperfect evidence would ever be received by them as a fair ground of proceeding with a Bill of "Pains and Penalties." Such a proceeding could only be compared or assimilated to prosecutions and trials in periods long gone by, under a reign bearing, in some of its features, no distant similarity in some respects to the present. All that malice, all that interest or power could devise, was tried during the reign of Henry VIII., both in England and in Italy. In the present case they had an immense production of evidence, all of an unusual kind, and forming a singular and extravagant contrast with that species of evidence which his learned friend (the Attorney-General) had given them reason to expect. But instead of fulfilling these expectations, what had actually occurred? Many of the statements, strange and incredible as they were, became much more so as detailed from the lips of the witnesses. Let their lordships fairly look at the means used in the collection of such evidence. Actual power, developing itself with a liberal hand, had been busily at work. It was not the wide hand, or open purse—no, not even the most precious streams of royal bounty, which had perhaps overflowed upon this occasion—that had produced all the effects which they were now considering. There was reason to suppose that power had been exercised as well as influence, and compulsion applied where other motives

might not prevail. What was, in fact, the description of evidence adduced on the other side? In the first instance, it appeared that witnesses (designed originally for that distinguishable character) had been on divers occasions transformed into messengers; he would not call them by any harsher name. Keeping, as this their new capacity enabled them to do—he meant their lesson —steadfast in their minds, where was the wonder that they should ultimately join in the same story? How, after so many interviews, such long-continued social intercourse, and the exchange of so many mutual affections, could they be conceived to state anything in itself incongruous or discordant? Accordingly, they seemed to have certain facts treasured up, embalmed, as it were, in a perpetuity of recollection; although, when tried upon other topics, or when their attention was drawn to other circumstances, equally memorable, the faculty seemed to have abandoned them. Their leading man, the captain of this horde of witnesses, the great delineator of the plan of accusation, Majocchi, the renowned Majocchi, himself testified to what? To any positive act of criminality? Oh, no! What then did he testify to? anything which by a liberal or judicious mind could be admitted as indicative of criminality? Strange it was, but important to be observed, before he entered upon a closer examination of this person's declarations—of the statements of this true and faithful creature—well did it deserve to be noted, that even his testimony fell far short of the charges as set forth by Mr. Attorney-General. He conjured them also to bear in mind, that there was not one of the witnesses who had appeared at their bar, who had not previously been examined, and who had not made some deposition before the Milan tribunal. Let them now then well mark the distinction; let them contrast with these persons the rank, station, character, and conduct, of those individuals to whom, indeed, Mr. Attorney-General had al-

luded in his opening speech, but whom he did not choose to call in support of his allegations. Not one of the witnesses on the other side, not one of the persons employed to destroy the reputation of a Queen of England, not one was to be found who had not gone through the discipline and drilling of a Milan tribunal. At that great receipt of perjury—(and he meant nothing disrespectful to any particular member of the commission)—but at that storehouse of false-swearing, and all iniquity, was every witness against her Majesty the Queen regularly initiated. How could it be regarded as necessary, with a view of purifying evidence, that it should first undergo a drill at Milan? However captious some persons might be inclined to appear, he doubted whether they would require a probation of this sort. But, indeed, it had turned out, not only that witnesses had been long kept in England, but that many had been maintained on the opposite coasts of Holland and France. It appeared, too, that they had been maintained at an enormous rate, far beyond every rule of proportion that ought to have been observed. Sacchi, who had filled a post abroad not above the office of a servant in his most prosperous days, lived in splendid idleness for a long time in England, enjoying, for that period, the luxury and attendance of a field-marshal. Why were the witnesses on the other side thus concealed, or thus entertained? Small indeed had been the services of these people, when they were thrown into the balance, and compared with their remuneration. Was it not also a matter well entitled to their lordships' attention, that these witnesses should have been cooped up together, week after week; that they should have been forced into intimate society, and their motives necessarily brought into resemblance, and their objects in some degree identified? It was remarkable, too, that they were sorted, not as much with reference to the countries from which they came, or the

language in which they expressed themselves, as with regard to the depositions which they were to make. It was not his wish to pass any censure upon this rare *contubernium*, the select society of Cotton-garden. Imprisoned as its members were, they were rather objects of commiseration than of angry invective. Strangers to this land, knowing as little of their lordships as their lordships cared about them, what did their evidence, fairly weighed, amount to? It had indeed been contended that Italian evidence was as respectable, was of as high authority, as evidence derived from any other source. In order, then, to form a clear estimate—to introduce some light on this subject, he would refer to opinions entertained, and to views taken, in other times; and in alluding to which, he could not possibly be supposed to indicate the slightest analogy with any occurrences of the present day. When he selected the reign of Henry VIII. he was sure that their lordships would join him in regarding that as the era most fertile in precedents for the measure now before them; but which did not, he believed, afford a complete precedent for it in any point of view. Yet it might be curious to inquire what was the estimation of Italian evidence throughout Europe at that time of day. It was upon record, it rested on the best historical authority, it was transmitted under the sanction of the names of eminent Italian jurists, that witnesses might be found in that country at a pretty cheap rate, to authenticate or controvert any story. The grave doctors of the University of Bologna, declared, after a solemn council, and by a decree which they subscribed *sigillatim*, that having well and maturely considered the whole matter between Henry VIII. and Catherine of Arragon, they were of opinion that his Majesty the King of England ought to be divorced from his wife. There was at that time something in existence not very unlike a late commission at Milan—an institution for drilling witnesses previous to their ex-

hibition in open day. Could he look at such witnesses, and not feel how applicable to them was the language of a great orator and philosopher of antiquity, when describing individuals not very dissimilar, and when alluding to the absence of that kind of testimony which was most desirable:—"*Sunt in illo numero multi boni, docti, pudentes, qui ad hoc judicium deducti non sunt: multiim pudentes, illitterati, leves; quos variis de causis video concitatos. Verumtamen hoc dico de toto genere Græcorum: quibus jusjurandum jocus est; testimonium, ludus: existimatio vestra, tenebræ: laus, merces, gratia, gratulatio, proposita est omnis in impudenti mendacio.*" To come, however, to that period of our own history to which he had already alluded, it might be of importance to remind their lordships of some circumstances which had been carefully preserved by a most faithful and honest historian. The author in question was Bishop Burnet, a man whose minuteness and accuracy of narrative were alike admirable. At that time it was deemed politic by the English government to institute certain inquiries in Italy. They were conducted under the superintendence of a gentleman, who, he had no doubt, if now living, would be described by his learned friend, the Solicitor-General, as being a most profound and skilful person, eminently conversant with the laws of his country, and whose name, by a strange coincidence, happened to be Cooke. No doubt he was a man of the utmost probity, and extremely learned in the law; but his commission and achievements in Italy were now matter of historical discussion. Let them hear, then, Bishop Burnet. These were the terms in which he spoke of the mission, and of the way in which it was executed:—"But Cooke, as he went up and down procuring hands, told those he came to, that he desired they would write their conclusions, according to learning and conscience, without any respect or favor, as they would answer it at the last day; and he protested that he never

gave nor promised any divine anything till he had first freely written his mind, and that what he then gave was rather an honorable present than a reward." In a letter to Henry VIII. himself, the same worthy person thus wrote—"Upon pain of my head, if the contrary be proved, I never gave one man a halfpenny before I had his conclusion to your Highness, without former prayer or promise of reward for the same." Thus they found that, even at that time, the distinction of the civil law between reward and compensation was clearly recognized. Amongst the dispatches then sent from Venice by Mr. Cooke to the British government were some rather singular and instructive specimens of diplomacy. It was matter of amusement to attend to the account rendered by this individual on one occasion. What he was about to quote before their lordships, in the way of general illustration, was the copy of an original bill of expenses, or rather a part of it, audited and signed by Peter a Ghinucciis: "Item, to a Servite friar, when he subscribed, one crown; to a Jew, one crown; to the doctors of the Servites, two crowns; item, given to John Maria, for his expense of going to Milan, and rewarding the doctors there, thirty crowns." In another letter, the same excellent missionary thus expresses himself:—"Albeit, I have besides this seal, procured unto your Highness one hundred and ten subscriptions, yet it had been nothing in comparison of that which I might easily and would have done; and at this hour I can assure your Highness, that I have neither provision nor money, and have borrowed a hundred crowns, the which are spent about the getting of this seal." But on the subject of Italian evidence, there was authority even yet more direct, and less susceptible of controversy. There were numerous individuals, natives of that country, whom he had the satisfaction of knowing, and for whose characters he cherished an unfeigned esteem. But when he had to speak of the common-

alty, and especially with a view to the sin of false swearing, it is hardly necessary for him to dilate on the notorious facility with which they could allege what was false, or deny what was true. Italy had been described by one who knew it well—its language, its manners, and its morals—as that part of the world in which, if remorse could be thrown away, every end might be easily attained—that was, every end which depended on perjury or fabrication. He was, however, drawn aside from the immediate question, and for this digression he craved their lordships' pardon. The aim of his preceding observations had been to impress on their lordships' attention the extraordinary nature of the evidence in this case. There was, indeed, in that evidence a most surprising conformity; but it was a conformity most unfavorable to the statement of the Attorney-General. His learned friend had made a statement which had no support in the testimony of his own witnesses. Who amongst their lordships could forget the story of Mahomet's exhibition, as described in the opening speech of the Attorney-General? He had been represented as a man of brutal and depraved manners, and as exhibiting the most indecent gestures; as actually imitating the sexual intercourse, in order to furnish amusement to her Royal Highness. This was a statement which seemed to point to evidence of the most damning kind; it was a statement too, which effort after effort had been made to substantiate, and in vain. The result of all their inquiries was to prove that the exhibition so described, was nothing more than one of those common displays of buffoonery which had been often witnessed by the purest and most virtuous of those wives and daughters whom it was the happiness of their lordships to possess. Majocchi, the chief witness on the other side, did not even pretend to insinuate that Mahomet's performance had anything improper or indelicate about it. With all the Solicitor-General's dexterity of inves-

tigation, he had not been able to show Mahomet, the buffoon, in one indecent attitude. Even when the trying question was put with regard to the state of the man's trousers, what was the answer? Why, that they were as usual; that his dress was not at all disordered. Here, then, was an elaborate attempt utterly defeated. Their lordships, for reasons best known to themselves, but for reasons, he doubted not, that were dictated by consummate wisdom, and which they had not proceeded on till fully enlighted by experience, and a careful review of all the precedents which could bear upon the present case, had prevented him from animadverting on this failure so soon as he should otherwise have done. He felt happy, however, in the confidence, that their lordships could never have intended to prejudice the cause of her Majesty. No doubt that, when they so resolved, it was from having already made up their minds to join in the unanimous verdict of acquittal which the country at large had already pronounced. The story of the Attorney-General had never even been dreamed of by his own Italian witnesses. It was too wild and incredible for individuals who had been brought here from abroad, and removed from the situation of couriers, to a state which many landed proprietors might envy. Signor Sacchi, or Sacchini, had, it appeared, been living in this country, attended by his manservant, and at the rate of at least 400*l.* or 500*l.* a-year. This was an income which, in Italy, would be equivalent to 1,400*l.* or 1,500*l.* Their lordships had seen how he was dressed, and had also heard him state that, although he had descended to the office of a courier, he had always been in easy circumstances. It was not surely difficult to form a right estimate of such testimony. The pay or renumeration—and he would call it the hard-earned pay—of the captain and his mate, had astonished all mankind; had astonished them in consequence of that publication of their proceedings, which,

in contradistinction to every ordinary rule, they had thought proper to allow. He would not, however, dwell upon topics so unpleasant at any greater length. He should have stood with confidence and steadiness upon his main ground of defence, even if there had not been so great a blank in the evidence—so scanty a supply, as compared with the mighty promise. The defence would have been entire and complete, although the Attorney-General had adduced evidence corresponding with all the minuteness of his statement. If that statement could be at all borne out—if the topics which it embraced were such as could be with any propriety alluded to, how were they to account for the absence of those ladies whose separation from her Majesty's retinue had been held up as a fact at once important and decisive of the question? They were persons of rank, known in their own country, and esteemed and loved in proportion as they were known; they were persons on whose reputation not even the vestige of a shadow had ever rested. But the Attorney-General called no one of them. There was not, however, a judge at the Old Bailey, who would not, under such circumstances, have required their evidence as the most satisfactory test that could be applied. This he would do on the trial of a misdemeanor; this he would do in a case of felony; and of how much more importance, therefore, did a rule of this nature become on a question of high treason, or what was but technically distinguished from it? He conjured their lordships to remember that they were not now sitting in their capacity as a court of judicature: they were not compelled to take cognizance of this matter, or to bring it to any issue. They might, if they pleased, dismiss it: they might give it the go-by; and, gracious God! what was there in the case to induce the Peers of England to pursue a Queen to destruction! What was there in the testimony brought from out their *presidia* in Cotton-

garden—what was there in that to induce them to run counter to a sentiment almost universal? O, let it not be said, that in that sacred temple, that sanctuary of justice, the Peers of England, with a rash hand, had made up their minds to bear down its most venerable symbols, upon grounds so weak, and so fallacious, and to sink themselves in eternal condemnation at the tribunal of after-ages.

Mr. Brougham here paused and threw himself on the indulgence of the House for a short relaxation. This was readily granted. After an absence of three quarters of an hour, Mr. Brougham re-entered the House, and their lordships having taken their seats, the learned gentleman proceeded with his address. He had, he observed, to crave their lordships' pardon for the delay which his absence had unavoidably occasioned. He would now submit to their lordships all that had occurred to him on that part of the case which was connected with the evidence, and he was afraid he should be compelled to solicit their lordships' attention, for a considerable time, to the important considerations which here presented themselves. The first point that would necessarily arise in their lordships' minds, was a recollection of the principal parts of the evidence, and their practical application to the case. Here it would be his duty to notice, in a particular manner, the first witness, who would be long known in this country, and throughout the world—whose favourite expression would be handed down, much after the same manner as the sayings of some of the ancient sages had reached our days: their names indeed were lost, but they still existed in the celebrity of their brief and pithy sentences. That witness had distinguished himself during this trial, by an expression equally brief, and to him more useful: that one sentence appeared to comprise the entire practical result of all the wisdom and all the experience which he had accumulated in the study of

his art; and, as long as the words "I don't remember," which he used in the practice of that art, in which he evinced great skill—so long as those words were known in the English language, the image of Majocchi, without the man being named, would forthwith arise to the imagination. He was a witness of the greatest importance in this case. He was the first called, and he was the last examined. His evidence accompanied the case nearly throughout; it almost extended over the whole of the period to which the charges themselves referred; in fact, it went to the period when he was dismissed, or rather when he retired, from the Queen's service, and was refused to be re-admitted—which was about the time when the charges were brought. He and De Mont stood apart from the rest of the witnesses, and resembled each other in this respect—that they went through the entire case. They were indeed the great witnesses for the bill—the others were rather witnesses of a confirmatory description. They were all willing witnesses—some of them had already received much. A part of them were influenced by actual acceptance—a part by the hope that the gratitude of those who summoned them would operate greatly to their advantage: they were, therefore, zealous in the behalf of their employers; and, of course, they would not have stopped short at mere confirmation, if, by any means, they could have carried the case through. This he stated, generally, with a view to the relative importance of the character of all the witnesses. He would now entreat their lordships' attention, whilst he entered on this branch of the subject more in detail. He had often heard it asserted, that the great prevailing feature of Majocchi's evidence—his want of recollection—signified but little, because a man might err—memories differed. He granted that they did. Memories differed as well as honesty. He did not deny it. But he thought he should be able to show their lordships that there was a

sort of memory utterly inconsistent with anything that he could figure to himself. But why should he invoke his fancy? Why, when he had only to recollect Majocchi and his evidence? He could point out parts of that evidence, than which he defied the wit of man to conceive any stronger or more palpable instances of false swearing than might be traced in the use of the words which he had before quoted. He would not detain their lordships by citing cases where the answer, "I don't remember" might be innocent—where it might be meritorious—where it might not only be no impeachment, but confirmatory of the testimony of a witness, and tend to the support of his credit. Neither would he allude to cases where such an answer would be the reverse of all this—where it would be destructive of the testimony, an utter demolition of the credit of the person examined. He would not quote any of those cases, but take the evidence as it stood; and from it he would show, that while Majocchi's testimony abounded in guilty forgetfulness, no one circumstance, supporting the idea of an innocent forgetfulness, occurred. He would proceed, at once, to give their lordships proof positive of this man's perjury—and this he would do by adverting to his mode of forgetting. In the first place, he begged leave to direct their lordships' attention to the way in which this witness swore as to the position of the rooms of Bergami and the Queen, with reference to these charges. The great object of the Attorney-General, as shown by his opening, and as evinced by the whole of his examination, was to show a communication between those apartments; and the manner in which Majocchi answered, indicated that he was privy to the concoction of the plan. The object of that plan was to prove the position of the rooms of the Queen and of Bergami always to have been favorable to the commission of adultery, by showing that they were near, and had a mutual communication, whereas all the rooms

of the rest of the suit were separated and cut off from those apartments. Thus it was meant to support the inference of that guilt to which the charge related. Accordingly, the first evidence, who was to go over the whole case, was better informed on this part of the subject than any other of the witnesses. There was more appearance of proof in his testimony on this point —it presented more accuracy of detail than that of the other witnesses—when he was examined with a view to extract criminatory matter against the Queen; but he was not prepared for any attack, and his regular custom was utterly to forget himself, in order that he might be protected against the severity of a cross-examination. The questions constantly asked were, "Where did the Queen sleep?—In an apartment near that of Bergami. Were those apartments near or remote?—They were near." Questions of this kind were asked over and over again, so good a thing was it thought to procure the answer that the apartments were "near" repeated with success. The same answer was invariably given. Bergami was represented as occupying an apartment near that of the Queen, with which there was a communication, sometimes by a passage, sometimes by a room, sometimes by a door. Then it was asked, did the rest of the suite live apart? Were they distant from, or near to the Queen? Was such the position at Naples? It was important to advert to this point, because more was made of the approximation of the chambers at Naples than at an any other place, In the direct examination, the witnesses were asked, "Did the people of the suite sleep in that (the Queen's) part of the house, or at a distance?" And the Italian word in answer was, "*lautano*," which was interpreted "apart." He, however, remarked at the time that it meant "distant;" and distant it meant, or it meant nothing. Here then the witness had sworn distinctly, from his own positive recollection, and staked

his credit upon the truth of a fact—upon this fact, "that the rest of the suite lodged apart and distant from the Queen," which coupled with the statement that the rooms of her Majesty and of Bergami communicated together, must have the effect of combining both these circumstances, as a proof that means were adopted to indulge in a criminal intercourse. Majocchi positively stated, in the first instance, that "the suite lodged apart and distant from that portion of the house occupied by the Queen." Was there not, then, an end of this "innocent forgetfulness," if, when he (Mr. Brougham) came to ask him, in his cross-examination, where "the suite slept?" he altogether falsified his former statement, and told him, "I don't know, or I don't recollect?" It clearly had this effect: because he must have known, and he must have recollected the circumstance, since in his examination in chief he had sworn that two rooms, those of the Queen and of Bergami, were near, but that the rooms occupied by the suite were distant and apart. When he spoke of the proximity of the rooms in the one case, and their remoteness and disseverance in the other case, and when he afterwards declared, with reference to the latter, that "he did not remember where the suite slept," it was clear that he had perjured himself one way or the other, he cared not which, as much as if he swore he saw a person one day, and swore he did not on the next. The one was not a more gross or direct contradiction than the other. In stating his recollection and his forgetfulness, if their lordships would look comparatively to where the witness remembered, and where he declared he had forgotten, he believed they would almost uniformly be led to a similar conclusion. He would give one specimen, from the evidence itself, to show their lordships, when the witness was asked any questions relative to the Queen's apartments, in support of the case, where he had learned his lesson,

and was examined in chief—where, in short, he was not afraid to speak, no opposition being made to him—how very tenacious his memory was. He would convince their lordships what his recollection really was; he would give them a fair sample of his memory. He (Mr. Brougham) asked him—

The LORD-CHANCELLOR.—What page do you quote from?

Mr. BROUGHAM answered, "Page 47."

Mr. BROUGHAM proceeded. In cross-examination he asked the witness—(and he did so, in order to show his accuracy of recollection on particular points, where the evidence had been well drilled):

"Have you ever seen the Villa D'Este, since the time you came back from the long voyage?—I have.

"Was the position of the rooms the same as it had been before, with respect to the Queen and Bergami?—They were not in the same position as before?"

And then the witness told a long story describing the alterations. "There was," he stated, "a staircase, or landing-place of a staircase, on one side of the Princess's room. There was a small corridor, on the left of which there was a door that led into the room of the Princess, which was only locked; and then, going a little further on in the corridor, there was, on the left hand, a small room, and opposite to this small room there was another door, which led into the room where they supped in the evening. There was this supping-room on the right, there was a door which led into Bergami's room, and on the same right hand of the same room there was a small alcove, where there was the bed of Bergami. I saw two doors open always—but there was a third stopped by a picture." Now could any recollection be more minute than the recollection of a man who could state all these particular circumstances? He had no objection to this display of accuracy, in any point of view. If an individual were to invent a story entirely,

if he were to form it completely of falsehoods, the result would be his inevitable detection and exposure; but if he built a structure of falsehood on the foundation of a little truth, he might then, by using some degree of address, place an honest man's life, or the life and character of an illustrious Princess, in jeopardy. If the whole edifice, from top to bottom, should be built on fiction, it was sure to fall; but if it was built on a mixture of facts, it might put any honest man's life or reputation in jeopardy. He (Mr. Brougham) only wished their lordships to contrast with this minute recollection of rooms, doors, and corridors, the circumstance of Majocchi not having the slightest recollection of a whole new wing added to the house in which her Majesty had lived. He recollected the slightest alteration respecting a bed-room or chambers in the house, but he recollected nothing of a whole new wing added to that house. This showed the dishonest character of the whole testimony. Of the same nature was his evidence when any calculation of time was required. He observed the most trifling distinction of time when that suited his purpose, and he recollected nothing of time when it was inconvenient for his object. In proof of this, their lordships were requested to refer again to the celebrated scene at Naples. This witness remembered down to minutes, the time which her Majesty had passed at two different times in Bergami's room. The first was from ten to fifteen minutes, the second from fifteen to eighteen minutes. Here the mean time was sixteen minutes and a half. The witness went to the window, and fired a gun, exactly three minutes afterwards. Here the mean time was given at once. A quarter of an hour was then stated with equal accuracy, and afterwards three quarters of an hour. All this was in answer to his learned friend; all this was in the examination in chief; all this was thought by the witness essential to his story; all this was to garnish the story with an appearance of ac-

curacy essential to his purpose. But such minute accuracy was of use not to him, but to the Queen. When it was of use, not to the prosecution, but to the defence, then he could not recollect whether it was a whole night, or eight hours, or any definite period. "Why could you not recollect the period of time on this occasion, as well as on the other occasions?"—"I had no watch." "Had you a watch when you reckoned a minute, and the fraction of a minute?—No." Why, then, did Majocchi know the precise time on one occasion, and not recollect anything of time at another occasion? He pleaded the want of a watch only when the defence could be served by time, or when he was asked something which he conceived their lordships would consider of importance for the defence. Majocchi answered no categorical questions. When asked as to the number of sailors present, he could not tell whether it was two or twenty-two. As to place, he was equally in fault. Although he slept in the hold of the ship, and all who slept slept in the hold too, he could not tell the others that slept at any time there by day or by night. Therefore he (Mr. Brougham) could ask their lordships, whether any person ever appeared as a witness, whose testimony was so varying, and so exactly suited to the character which the witness was to support? But this was not all. The answers "I don't recollect," and "I don't know," were such as could not by possibility be true, if the answers given in the examination in chief were true; as, in the instance to which he had referred in Naples, if the minuteness sworn to in his examination in chief was true, and founded in fact, it was impossible that he should have no recollection of the matters to which he was cross-examined. If it was truth, that the rooms and doors were as he described, he could not by possibility know and recollect that, and be in total ignorance of the other parts of the house.—In the same manner, this

witness knew nothing of Mr. Hughes; he never knew a banker's clerk; he knew nothing of the name; he had never known any of that name, or any banker's clerk. But when he saw that he (Mr. Brougham) had a letter in his hand, and before he had in anything refreshed the witness's memory, he clearly showed that he had never forgotten either the name or the place. By the demeanor of the witness, too, and the tenor of his answers, their lordships must have seen the same change evinced. Majocchi gave as his reason for this inconsistency, that familiarity had made him forget the name and occupation of his familiar. The ground of forgetting his trade was the familiarity which formed the ground of calling him "brother banker." It was very manifest, that Majocchi was not very willing to give the name, or the trade, or the place of residence of any one with whom he had been acquainted; for what reason he (Mr. Brougham) would leave their lordships to judge. But, before he should be done with this witness, he would give another instance of his dishonest intention. Their lordships recollected the shuffling, prevaricating answers he had given respecting the receiving of money. He had first told that Lord Stewart had given him money at Vienna. Afterwards he had, twice over, sworn that he had never received money at Vienna from any person. It was the same as to his receiving money at Milan. "I remember to have received no money at Milan—I rather believe I received no money—Rather no than yes—*Non mi ricordo.*" He (Mr. Brougham) had some guess what evidence this witness must have given, when he laid the foundation of the favor which he had since uninterruptedly enjoyed. When he had been laying the foundation on which his fortunes were to be built, their lordships would recollect that he knew a great deal. In the opening speech of his learned friend, much was stated which this witness was expected

to prove. As an instance, their lordships would recollect that Majocchi was to have proved that the Queen and Bergami had been seen kissing one another in a bedroom. Did Majocchi swear this? On the contrary, the witness negatived it in the completest manner. It was only whispering. This single instance showed the whole character of his testimony; but he would give their lordships others quite as fatal to the credit of the witness. He would show to their satisfaction, that Majocchi had told one story to the instructors of his (Mr. Brougham's) learned friends; but that when brought to their lordships' bar, he told a far different story, probably from knowing the facts and documents which he (Mr. Brougham) had got in his possession, but more probably from having forgotten part of his invention. This partial forgetfulness was much more likely where the whole was an invention, than where truth was the foundation of testimony. So it was in this case. Majocchi recollected part of his testimony. "Yes" was ready for the question. But parts he did not recollect. It was perfectly evident that what one saw, was far more intensely and permanently impressed on the mind and recollection, than what he might afterwards invent and add to his actual observations. Thus it was that Majocchi recollected part, and forgot other parts. He had been asked whether he had seen any one bring broth to her Royal Highness?—"Yes. Do you know whether any one entered the room with her Royal Highness?—I don't recollect. After Bergami had entered the bedroom (assuming that he had seen him enter), did any conversation take place?—Yes." Well, but conversation might be very innocent; that would not do. "Was there anything else?" This question had been asked because Majocchi must have sworn something else before. To elicit that now, he was asked if there was anything else? There was, in fact, something which his learned friend wanted.

But Majocchi forgot part of his invention, as always happened to certain persons, whose names he would not mention to their lordships. The something given in answer, therefore, was "only some whispers." If it were said that whispers were all that his learned friend meant, he would say, no. His learned friend had opened very different facts; but besides, from the examination of the Solicitor-General, it was evident that more was expected. "Aye, but was there anything more?" Whispering would have satisfied, if nothing further had been sworn before. But the enquiry was pursued: "Did anything at any other time occur?" Oh, it might not be at that time: was there any other thing at any other time?—"Whispering," said the witness again. Another instance, to the same effect, he would call their lordships' attention to. He hoped he was not too minute. He felt it necessary to enter into this detailed investigation, for it was so that conspiracies were detected. "At Genoa you saw her Royal Highness riding upon an ass?—Yes." There was something, however, expected, more than that fact. There was nothing indecorous in riding upon an ass by daylight. "Did you make any observation? What passed?—He held her." Very well: there was a great deal in holding her, and a great deal might depend upon the nature of the tenure. "What else?—He held her from falling." Aye, that won't do. His learned friend was not satisfied with that, having had something in his hand which the witness had sworn before, and not knowing that it was a different, a very different thing, for a false swearer to recollect his fiction, and for an honest witness to recollect what he had actually seen. His learned friend, therefore, proceeded, "Did you make any other observation?—No; they spoke together." A number of other things might be called to their lordships' recollection to the same effect. This witness stated, respecting the breakfast, what others had stated. What was fact

he recollected; but what he said he did not recollect, was as clear as what he did recollect; and if his recollection were true, he would have recollected as well other facts as those he pretended to recollect. He, (Mr. Brougham) must also remind their lordships of the incredible story told by Majocchi, when he would have them believe that the Queen having free access to Bergami's room through rooms where no person slept, she chose rather to pass through an occupied room. The witness would at first have represented that there was no other access, but, after much equivocation and perjury, he admitted that there was another access; yet, having admitted that the Queen had easy, safe, and ready access to the place of guilt, he represented that she preferred passing through another room where Majocchi slept—where he slept in a bed without curtains; that she preferred passing through a room so small, that she must have touched the bed—through a room where a fire was burning; and, what was most monstrous of all, they were to believe that, to make detection sure, she stopped in her passage through the room, and looked in the face of Majocchi to ascertain whether he was asleep. The whole of this story defeated itself. Why pass through a room where she must be observed, rather than through a room where none slept, where there was no fire, no uncurtained bed, and no possibility of being observed? Was she indifferent because it was a person she knew nothing about, no servant of hers? The looking in the face was quite improbable, but it was a statement which one was very likely to invent in a country where robbers were not few, and robberies not unfrequent. A robber naturally came to the bed where a lady slept, and looked in her eyes to see if she was asleep. If she was not, he could proceed no farther. It was therefore very wise and prudent in the robber to take this precaution; but for a person going to commit adultery in the next room, to

look in the face of him whose mistress she was, and that person the Princess of Wales—when the very looking condemned, exposed, and convicted her—this was the most incredible, the most silly invention that could be made. But it was providentially and most happily ordained, for the detection of guilt, and the defence of innocence, that such inventions were often carelessly put together; and here the invention was, in particular, thoughtlessly put together. With respect to Bergami's dining at Genoa, Majocchi was contradicted by the other witnesses. When asked if he did not recollect his being at dinner when Villascarti, the courier, arrived, he knew nothing of such a person. But when asked whether he remembered knocking at Bergami's room door, he replied, "I remember perfectly when Villascarti arrived." Then recollecting the contradiction, he said it was not on that account he remembered it, but because thieves had arrived and attacked the house that night. But there was one part of Majocchi's evidence upon which he would rest as gross and palpable perjury. It was so gross and palpable, as to dispense with the necessity of pointing out perjury in other instances. He denied that he had been dismissed by her Royal Highness; but said he had left her service because of the bad people that were about her. This he said with the double purpose of raising his own character, and debasing the Queen's. But he would show this to be false from his own mouth. When asked whether he had not made application to get back, his answer was—"I don't recollect." "Did you apply to Count Shiavini to be taken back?—I did." The moment he mentioned that, his assertion, that he did not recollect, failed: therefore, to save himself, he told them all—and very material it was for their lordships' consideration—"Yes, yes (*cosi, cosi*), I did apply to Schiavini, but it was in joke." Now, their lordships would mark that. The former answers were probable, if this was in joke;

if not, they were positive perjury. If, then, this was in joke, what followed he would have at once answered by "No." "Did you apply to several persons? did you apply to Hieronimus?—*Non mi ricordo.*" This last answer was gross and wilful perjury, or the first answer was gross and wilful perjury. He (Mr. Brougham) cared not which. The joke, in fact, was an invention to protect the other invention, or the story was perfectly incredible, that he applied in a joke to Schiavini, and that he did not recollect whether he applied to others. Their lordships recollected the manner too of this witness. He showed some flourishing and figure—"I would rather eat grass than go again into the service of the Princess." Was it true, and was it the language of an honest man, that he would rather eat grass than go back; that he applied in joke to be taken back; and that he could not afterwards swear that he had not applied to others to be taken back? Here then was the mystery unravelled of Majocchi's *Non mi ricordo.* His testimony was false, either one way or the other; he (Mr. Brougham) cared not which. He must now call their lordships' attention shortly to the next witness; it would be very shortly, because those well paid swearers exhibited a certain something in their demeanor which at once showed the value of their testimony. In courts of justice nothing was more sure to disclose the falsehood of testimony than a flippancy and pertness in the manner of telling a story. A false witness was always flippant and impertinent when pressed. As an instance of this, their lordships would recollect that Paturzo, when asked whether the guns were on deck, answered "Yes—they were not in our pockets." He (Mr. Brougham) only mentioned this, because his learned friend has said that this was a good, correct, unimpeachable witness, and because his testimony had been represented in the opening speech as infinitely important. He would ven-

ture to say, at least, that a better paid witness, or better paid Italian for any purpose had never yet come to his knowledge. The money paid was upwards of 2,000*l.* sterling a year to one who had been mate of a vessel in the Mediterranean, and who was now fourth-part owner, and as a means of making compensation to him, instead of giving him a reward. The profits of the vessel, according to this calculation, was 8,000*l.* sterling a year. This, in the Mediterranean, was equal to 16,000*l.* or 20,000*l.* in this country. Not one half of this money did any trading vessel in the Mediterranean ever make. In Messina, the whole ownership would be thought most fortunate that produced 400*l* a year. Tha twas a great income in that country. None but the noblesse was ever heard of that had 1,500*l.* a year. No such thing was known among traders or merchants. If any master and his mate made such splendid fortunes, their names would have resounded through Italy as the rich of the earth; and none would visit that country, who would not wish to see them, and to have letters of recommendation to them, as eminent and distinguished among their countrymen. The cobbler was known in history, but this master and his mate had never been known beyond the streets of Messina, till they came to merit this large compensation. The mate made nothing equal to 2,000*l*, sterling a year: this was his own story. The captain, as might be expected, had still more; he had more than 2,400*l.* sterling a year, besides having every expense of travelling, living, and perhaps clothing, paid. This, too, was given in addition to the profits of his ship, which was all the time sailing and earning trade, and in addition to the profits of the cargo. Yet it was only a compensation. The captain was paid all this money as compensation, not as recompense! This master has had a quarrel connected with his testimony. He told, with some *naivete*, that himself, his mate, and twenty-two men, had been engaged, including profits,

expenses, and trade, for one-fourth less than he now received for coming over to swear upon this occasion against the royal personage whom he had then served. But he added, that when royal persons made engagements with him, the uncertain profits were greater than the certain contracts. This was a great truth, well known to many there, that something certain was often stipulated, but that still more was often given as honorary and voluntary compensation. The master was not, therefore, to think his compensation limited here to 2,400*l.* a year. If one royal person gave him so much, and if that was nothing compared to the uncertain allowances to be made to him, how much less would her illustrious husband and his servants be limited to 2,400*l.* a year if he pleased them—if he fully made out the case—if the case should come well through his hands, and no accident befell him in giving his testimony. If he should succeed in this, he must get what would make a mere joke of the 2,400*l.* a year. He (Mr. Brougham) had mentioned the inducement of reward, but there was another inducement. Was there no spite entertained towards any of the parties? The whole of his testimony was bottomed in revenge. He had distinctly sworn that he had had a quarrel with Bergami, whose business it had been, as chamberlain, to pay money for her Majesty, and that he had complained to his own Ambassador of being deprived of 1,300*l.* This was proved from the witness's own mouth. This appeared in pages 134 and 135 of the evidences. In consequence of this complaint to Count Ludolph, this witness, Gargiulo, became known to the English government. The only means they had had of knowing his name and place of abode was his complaint against the Queen, and his claim of 1,300*l.* At page 135, at the foot of the page, it was stated, "I have received nothing: nay, my Minister and the Colonel to whom I have mentioned it, told me that they knew nothing, and that I might go to Lon-

don, and then might see upon this particular." He now came to London to see into it, and he would not see the less clearly that his evidence was of use. There were other matters in this witness's testimony of a very peculiar character. He (Mr. Brougham) thought that the Princess of Wales, stooping on a bed in a vessel, with her arm round a gentleman, and from time to time kissing him, not a very ordinary sight, even for nautical men, nor such a sight as they could forget. Yet the master and his mate forgot, or differed most materially in the history of this matter. The mate said, he had seen the Queen sitting on Bergami's knee near the mainmast. He (Mr. Brougham) stated this minutely, because the mate considered it important. The mate meant to say, that his evidence was given with particular accuracy, if not correctness: yet he said it was not on a gun that the Queen sat on Bergami's knee. Not one word did he say about kissing, and similar facts, the most important of all: their lordships would, therefore, conclude with him that they did not happen. The captain, on the other hand, stated that it was on a gun, and not at the mainmast, that the Queen sat on Bergami's knee. But did they speak to the same time? Yes, for the captain said the mate saw it at the same time. The mate, however, had not seen it; and his learned friends had not dared to ask him any questions respecting it, because the captain had not had time to be trained sufficiently. He (Mr. Brougham) merely mentioned these circumstances, to show that the story could not be true, because, if it were, such differences would be impossible. Yet those pure, fastidious, and scrupulous witnesses, from places chaste and sacred as the garden of Eden before the fall—from Messina and Naples—displayed a nicety of moral caution that was exceedingly exemplary. The captain, because the Queen was seen leaning over Bergami without touching him, desired the mate to go away, because, on account

of their relation as master and mate, he was bound to protect his morals, and also because the ties of blood imposed a responsibility upon his conscience; therefore he would not let his mate be near that part of the ship. He never said that the Queen wished him to withdraw, or that there had been any order from Bergami: the guilty pair cared not who saw them; but the virtuous Gargiulo, reviving, in the modern Mediterranean, a nicer sense of purity than the ancient ocean there had ever seen, would not allow his relation to view such a pair; for when they were so near they might touch, and that in the presence of the mate Paturzo. There might be those who believed all this; he could not account for the belief of some: but if there were not another thing to be objected to Gargiulo and his mate, this was sufficient to prove that their testimony was not true. This was all invented, or as fabricated and gross falsehood. The captain meant, to improve the case, to take in cautious minds; perhaps to increase his claim to enlarge the uncertainties, which with royalty were greater than certainties; to improve his chance of obtaining the 1,300*l.* for which he had come over to this country. But one more statement of this witness he would mention, and then he should be done. He held up these witnesses as models of perfect art, as well-finished examples of their kind, as the best paid, and altogether such as ought to be esteemed very crack specimens, displaying zeal in proportion to the much they had received, and the more they expected. But happily there were limits to this art, as to all human arts; and if there were not, God pity the innocent against whom this mighty art might be directed. It was found here that the accomplished swearers could not make their testimonies tally without communication, after the first had gone through his examination, and before the other was begun to be examined. But the master and the mate were evidently descendants, lineal descendants, of the

doctors of Bologna. They were afraid to have it thought that they had spoken together on the subject of their evidence. They were living together, lodged together in the same magazine, breakfasted together that very morning; yet, with all this, from a degree of care that would do honor to the nearest relations, and which he wished all relations observed, they never entered on this subject, and that a subject which occupied the attention of every mind in the kingdom. This was not peculiar to them, but the manner in which it was stated was peculiar. "I am not the man to speak of such a subject," replied the captain—Why? "It would not be decent; it would not be fitting that I should say anything out of doors of what I have been asked here."—Did you ever speak to the mate of it? "O never, never."—Did you agree that you should not speak of it? Did you determine that you should not say anything of it? and agree thus, "You and I, coming here upon one subject must not mention that subject the one to the other"? He (Mr. Brougham) knew not whether the witness had understood this question, but his answer had been "Yes." One general remark upon this point yielded much satisfaction and consolation. Whatever injury this inquiry might do to the highest and most illustrious persons, whatever mischief to the conduct and good case of social life might arise for some time to come from the details brought forward, one spot, one little land of Goshen, was sacred and pure from contamination. From all the impurities which offended the delicate, alarmed monarchs, and went so well nigh to contaminate the morals of the nation, one spot was safe; and, strange to tell, that spot was no other than Cotton-garden, in this very vicinity. Let no person suppose that the danger was so great as it had been represented, or that there was any truth in the assertion, that the island was flooded with impurity and indecency; for Cotton-garden was pure and uncontaminated. Of all the unclean horrors which had been

conjured up, it turned out that not one whisper was heard in Cotton-garden. There not a word was spoken even remotely connected with a matter which so much vitiated the mind, and which debased, he would say, the reputation of this country. If their lordships chose to believe this, far was it from him to interrupt a delusion so pleasing; it was delightful for the mind to repose on such a spot. If they disbelieved it, they must believe something else, and that was—that all the witnesses in this depot were perjured again and again. The course of his observations had now brought him to some personages, even of greater importance than the captain and mate, however pompously introduced by the Solicitor-General—he meant De Mont and Sacchi. He trusted that he should be excused for coupling them, united, as they seemed to be, by the closest ties, and resembling each other as they did in some of the most material particulars of their history. Both had lived under the roof of the Queen—both had enjoyed her bounty—both had been reluctantly dismissed, and both had solicited to be taken back into place and favor. The bonds that originally united them had subsequently continued—they had lived in the greatest intimacy, not less in their native mountains of Switzerland than in England: they had remained here nearly for the same period of time, above twelve months, and those months had been occupied by them in a manner best calculated to fit them for the service of their employers, in obtaining a knowledge of the classic writers of our island, through an accurate study of our language. Incidentally this gave them a great advantage—only incidentally—for, modestly, they did not brag of their proficiency, but availed themselves of the assistance of an interpreter, which gave them an opportunity of preparing an answer to the question they had understood, while the interpreter was furnishing them with a needless translation. The other points of resemblance were many, and he would not further dwell

upon them in particular, because they would be illustrated as he proceeded. He wished, in the first place, to remind their lordships of what sort of person Mademoiselle De Mont described herself to be, because it signified very little what he should be able to prove her, compared with what she had proved herself. He would take her own account, and he could hardly wish for more, though she might well wish it less, with the most ordinary regard for her own safety, not to mention the sanctity of truth. She was a person of a romantic disposition, naturally implanted, and certainly improved by her practice in the world. She was an enemy to marriage, as she stated in her letters, and did not like mankind in the abstract, whatever she might do in the particular—*amica omnibus quamlibet inimica*, perhaps she might turn out to be in the end. However, she hated mankind in the abstract, only making an exception in favor of such a near friend as Sacchi, whom she dignified by the title of an Italian gentleman; though he, ungrateful man, would not return the compliment by acknowledging her to be a countess. Marriage, she said, she did not like—she loved liberty, "the mountain nymph, sweet liberty,"—and in pursuit of her among her native hills, their lordships would not fail to see into what company she had fallen. Were these to be reckoned among the accomplishments of this lady? By no means: she was the most perfect specimen, the most finished model, of a waiting-maid, the world had ever seen: none of her own writers, and none of ours, whom, no doubt, she had studied, had given such a pattern for imitation: Molière, Le Sage, Congreve, and Cibber had all fallen far short of this admirable original. He did not mean that all her qualifications had been developed at once; some of them had gradually made their appearance under the cross-examination of Mr. Williams, when she showed that her education had done honor to her natural abilities;

she had shown that she was gifted with great circumspection, that she possessed much readiness in adjusting one part of her evidence with another, and great skill, if the eternal laws of truth allowed it, in blinding and deluding her hearers. She evinced not a little readiness in reconciling the story she had told with the contents of the letters produced, which letters she had not forgotten, though she did not know that they were still in existence to be produced against her. Had she been aware of their preservation, and had her patrons known their contents, their lordships would never have heard of her: she would never have been produced as a witness, but would have been shipped off, as many others hadbeen, like so much fresh meat, or live lumber, for their native country. But her constant mode was to deal in *double entendres*; Sacchi did the same; so that it was impossible to know what they really meant: to them indeed might be applied what formerly had been said of the Greeks—*tribuo illis litteras, de multarum artium disciplinam, non adimo sermonis leporem, ingeniorum acumen, dicendi copiam: denique etiam, siqua sibi alia sumunt, non repugno: testimoniorum religionem, et fidem nunquam ista natio coluit: totiusque hujusce rei quæ sit vis, quæ auctoritas, quod pondus, ignorant.* But the candor of De Mont had been praised, and why? Because she admitted that she was turned away for a story which proved to be false. He had heard her applauded for other things, and especially where she said that she was sincere in some of the applauses she bestowed upon the Queen. In the same way she had been asked, "whether she had not been in want of money? Never. —Did you not write to your sister that you were in want of money? That may be so; but if it were, it was not true." This was called candor, and though in *rerum natura* there might be no connection between truth and her statements, and though a thing's being false

did not prevent her either from writing or speaking it, yet to his no small astonishment he had heard her evidence praised for its fairness by persons of moderate abilities. He need hardly remind their lordships, or indeed any man whose capacity was above that of the brute animals he abused by using, what utter nonsense those talked who applauded the evidence of this witness for its candor. De Mont asserted that she was insincere —she allowed that she had told numerous falsehoods; and what praise was due to that ingenuousness with which she told the House that she dealt wholesale in untruth, and that no dependence could be placed on a syllable that fell from her lips? Yet, in the opinion of some persons, so captivating, so seductive, a blandishment was this, that it blinded her judges to her faults, and opened their ears to all the tales of so accomplished and ingenuous a liar. In anybody but a witness, candor might be approved; but here, "Pure, dear, innocent Swiss shepherdess, how ingenuous thou art!" was the cry, and immediately all that she uttered was to be believed. Certainly the strangest of all reasons for giving credit to a witness was to cite her candor in admitting that in no respect she deserved it. Look at her letters, and at the explanations she had offered of them. He would not go through the details, but every man must be convinced that those explanations were impossible: they did not in any respect tally with what appeared in black and white—her gloss did not suit her text: they were wholly inconsistent, and the clear contents of the four corners of the document showed that what she was stating was untrue. The letters wanted nothing to make them quite intelligible, and her key did not fit her cipher: the matter only became doubtful as she enveloped it in falsehood by the inventions of the moment, by her *extempore* endeavors to get rid of the indisputable meaning of her own hand-writing. A plain, honest

witness would know how to deal with these things, and would not entangle himself in the miserable webs of this dirty-working creature. The sense of the letters was plain and obvious, and he prayed to God that their lordships might so believe it, and might not stand a solitary exception to the conviction of all the rest of mankind. He hoped that they would believe that this woman was sincere in her praises of the Queen; that she spoke in her letters the language of her heart, and that her notions had only been changed as her mind became corrupted when she fell into the hands of the other conspirators against her illustrious mistress. Another feature of this lady's character he had nearly forgotten —her affection for her sisters. The principle of her conduct, if she were believed, had been anxiety on this account: yet how had she proceeded? She had done her utmost to secure one of these innocents, of the age of seventeen or eighteen, in a house, which, if her story were now credited, instead of being called a palace, deserved only the name of a brothel. Yet she had been content herself to submit to the contamination, because the mercenary Swiss described herself as setting the profits of her place against its disgrace, as the Roman emperor did the money he obtained from a filthy imposition. She allowed that it was worse than an ordinary brothel; yet one of her sisters of fifteen, and the other of seventeen, whom she loved so dearly, were both to be introduced into it in creditable and comfortable situations. Such was De Mont by her own account; but who could believe her so bad? No woman could be so bad; yet she insisted that she was, because her own letters were produced against her. It was clear, however, that she had given her evidence in utter ignorance that her hand-writing could be brought forward in contradiction. In referring to the evidence of Sacchi, there was one very pleasing symptom well deserving notice: it was connected with the reception it had ob-

tained, and to the mode in which a false estimation had been endeavored to be given to it. It showed how the age was improving—how it was rising above the vulgar prejudices of a few years ago, against the French and their leader. He remembered the day when few persons would have ventured to bring forward a principal witness in any case, much less in one of this delicate nature, who had been a soldier of Bonaparte, who had served during many campaigns with him, and who had been promoted by that Corsican usurper—that revolutionary adventurer—that tyrannical chief: then a French hussar would have almost been considered another name for everything that was profligate and abandoned. However, against the Queen of England he was thought a witness good enough; and, coming to England, he took upon himself the character of a gentleman; and he, that had been once a common soldier in the French army, and afterwards a courier in the service of the Queen, was brought forward as a person on whose testimony the utmost reliance might be reposed. He (Mr. Brougham) did not object to him that he had been a soldier, though perhaps he did not think that the Italians in the French army, and especially those from the north of Italy, were usually the most scrupulous of mankind. Sacchi, too, dealt in his *double entendres;* besides, he had gone by three whole names and a diminutive; two of them were known, and one yet unknown, but by three names and a half had he gone. When he came into this country, and was within the four seas with De Mont, he began his *double entendres,* and he was not satisfied with one, any more than with one name: he had got into the habit of dealing in *double entendres;* and accordingly his first was, that he had come here in the service of a Spanish family; his second regarded a law-suit, which had occasioned his visit to England. He stoutly denied, however, that he

received any pay from his present employers; yet having been very unwillingly turned away by the Queen from the low office of a courier, or equerry, he came to England, and lived like a gentleman of fortune. He resembled De Mont in another respect—they both showed the same want of connection between their speaking and writing. He was asked how much money he had at his banker's at Lausanne, and he answered fifty Napoleons. "Had you never any more? Positively not."—He was then asked whether he had never said that he had had more? What would have been the natural answer, if any man had ventured to put such a question to one of their lordships? What would have been the reply? "Certainly not;" because it had already been stated that no more than fifty Napoleons were, in fact, at the banker's. A letter was then shown to the witness, and he was asked, whether he had ever said (for he, Mr. Brougham, was not allowed to ask whether he had ever represented) that he had been in a miserable situation, and had taxed himself with ingratitude, and wished to be restored to favor. He answered, never; and that he never had been in a destitute situation. The next question was, "Were you ever in a situation to require compassion? Never."—"Did you ever ask anybody to take compassion on your situation? That may be so."—"Are these letters your hand-writing? Yes."—when the letters were read, it appeared in the plainest terms that he had taxed himself with ingratitude; and yet this honest man, this soldier of Bonaparte, sheltered himself under the word "say;" and because he had only *written* that he was in a distressed situation, he swore that he had never said it. Would any honest man think that such a pitiful quibble would avail him under such circumstances? But their lordships would remember what passed afterwards; for he now came to a providential accident, if he might

use such contradictory terms in compliance with the common understanding of them. He now came to an accident, which he called a Providence in favor of innocence, which was always the care of Providence. Sacchi was asked, "Why did you change your name?" and he replied, "On account of the tumult which happened, and which made me know I should run a risk." —"When did you change your name?" The answer well deserved observation: "A year ago." When he gave his first reply, he did not recollect that the tumult at Dover took place in 1820, and that he changed his name in July, 1819, before he came to this country. This was a providential circumstance, by which conspiracies were detected, and without which every one of their lordships might be a victim to-morrow. He called upon the House to give due weight to this observation, and to mark how it was borne out by the evidence in page 459. The Attorney-General, very judiciously seeing its consequences, did not pursue this inquiry; but some of their lordships continued it; and thus a perfect picture was drawn of a shuffling witness, prevaricating and beating about the bush, to shelter himself from the consequences of an unlucky slip, by which the whole credit of his testimony was overthrown. The confusion, the embarrassment, the perplexity of Sacchi, on this occasion, could not have been forgotten. He was asked at what time he had changed his name? He answered—"Four or five days before I set out for England." "When was that? In the month of July, last year. What was your motive for taking that name, at that time, at Paris?—To shelter myself against any inconvenience that might happen. What tumult had taken place at that time to induce you to change your name?—I was warned that the witnesses against the Queen might run some risk, if they were known. Had you been informed that they had actually run any risk? —They had not run any risk then." An opportunity

was now afforded, of which any honest witness would have availed himself, of explaining the whole fact, for his former question and answer upon this point were read over to him. Sacchi, however, had only involved himself in new difficulties, in endeavoring to escape from those he had already encountered: he stated, that, while at Paris, a gentleman came, accompanied by Krouse, and told him, that it would be necessary for him to change his name, because it would be dangerous for him to come to England in his own. "Did he tell you that any tumult had taken place?—He told me some tumult, some disorder." "On what occasion did he say that tumult had taken place?—He told me nothing else." Being further pressed upon this point, he had resorted to the invariable expedient of witnesses, when driven into a corner, by stating, "I have repeated what that gentleman told me." He (Mr. Brougham) could not deny what Sacchi might have imagined; but he insisted that it was as impossible that any gentleman, known or unknown, could at that period have given him this information, as that any man should, by chance, have written the Iliad. He was afraid that their lordships did not feel this point with the force it deserved; of course, at the present moment, everybody talked of tumults at home, on the arrival of witnesses against the Queen: but going back to July, 1819, when Sacchi first changed his name, what man, in his most fanciful mood, ever dreamt that such a tumult would occur in 1820? In fact, it was nothing more than an invention by the witness to cover his retreat from a position in which he had been unwarily entrapped. It was only by such circumstances as these that perjuries were detected: and this led him to remark, that if witnesses were convicted of untrue swearing on collateral points, how trivial soever they might be, it put an end to all their credibility in the main facts of the conspiracy. One of these main facts, as far as related to the evidence of Sacchi and Rastelli, another

discharged courier, was of a nature so disgusting and offensive, that he felt it difficult even to make the slightest allusion to it. Did their lordships think it very likely that any woman—he might almost say the most miserable prostitute discharged from Bridewell—would commit, in the face of open day, what had been charged against the Queen by Rastelli? Would they believe, that with the knowledge that a courier was travelling by the side of the carriage, the blinds of which might be raised, the Queen would run the risk of blasting her character, even among the most abandoned of her sex, by going to sleep in the position described by Sacchi as that in which he had discovered the Princess and her chamberlain? But the credulity of the House must be stretched yet many degrees; for if it could persuade itself that this had happened once, it would be nothing to what Sacchi had sworn he had been in the constant habit of seeing, again and again. He (Mr. Brougham) appealed to their lordships, whether this story had the smallest appearance of probability; whether, unless the parties were absolutely insane, such conduct could be accounted for. He was now saying nothing of the physical impossibility of the thing, at a time when the carriage was travelling at the rate of 9 or 10 miles an hour, over such roads as are found in that part of Italy, with their hands placed across each other, while the parties were both fast asleep, and, of course, without any power over their limbs. To overcome this difficulty would require the evidence of philposohers, who had witnessed an experiment so new and so strange. The witness had not ventured upon any description of the carriage, excepting that it had curtains: but what would their lordships say, if it should be proved to have been an English carriage, with glass and spring blinds? What if he (Mr. Brougham) showed, that the blinds could not be raised without opening the door to get at the springs upon the inside; and still more, what

if he should prove that Sacchi was not the courier who went on that journey? He did not say that it was necessary for him to prove this; on the contrary, he denied that he was called upon to do so. Why had not the other side established their case, and if cast-off servants would not afford them a sufficient evidence, why had they not resorted to those still in attendance upon her Majesty? He again entreated their lordships to remember—for it was a cardinal point, that ought not be forgotten—that an accuser was not relieved from producing sufficient evidence, because good witnesses were to be found on the side of the accused. He had no right to call upon the accused to produce those witnesses; for it was the business of the accuser to establish guilt, by all the evidence he could produce. But was there any other person in the carriage? "*Non mi ricordo*" was the answer of Sacchi, adopting the language of the celebrated Majocchi: and this question was not put to him by surprise, nor was it a point that might have escaped his memory. It was a thing he could not have forgotten; he must have made the observation, whether there was any other person present, while the Queen and her chamberlain were lying there exposed. In the next place, after a person had witnessed such a scene, was it likely that from that moment his lips should be hermetically sealed?—that he should never even whisper it to any person? that he should never dream of confiding it to the willing ear of the gentle, romantic, and sympathetic De Mont? He had long enjoyed a soft intercourse with her, both here and abroad! and if he never whispered it to her, it no doubt arose from that extreme delicacy which prevailed between them, to a degree unknown in regions less pure and refined. When the question was put to him, whether he had not related it to any one, he pursued that course which he thought most safe and best calculated to screen him from contradiction:—"I told it

to people," said he, "but I cannot recollect any one to whom I told it." Did not any man perceive, that if such a thing had passed, and he had been an eye-witness of it, and had afterwards related it to any one, the witness could not have failed to recollect to whom he had so told it? He had now come to De Kress's story of what happened at Carlsrhue.

Adjourned at four o'clock.

OCTOBER 4.

Mr. Brougham resumed his speech:—He began by expressing his surprise at the description of the witnesses. It was most extraordinary, that with no want of care in getting up the case, and no want of sagacity in its preparation—for great display of skill and management appeared in all its parts—that with boundless resources to bring into play, those who conducted it had chosen to select their testimony almost exclusively from one division of Europe. This was evident on merely reading the names of the witnesses; and it certainly argued a great want of the required talent in other countries, when those who had to look for qualified persons confined themselves so closely to one. Why such unfairness to different states, and such a contrast between the number from Italy and other countries? The whole of the Italian states appeared to be fully represented by deputies of the lower orders, it was true, or rather of the lowest. But on this side of the Alps he found a lamentable scarcity. From all the cantons of Switzerland only one deputy appears—only one nymph for the whole Helvetic confederation. In like manner, he found that the whole of the circles of Germany were

also represented by one person, and that person was a German chambermaid. This was the more remarkable, as her Majesty had travelled through so much of that country. From the capital of Austria no representative appears; and from her Majesty's native country, where she was best known—from that country which had been her abiding place—there was also none; from none of the states of Germany in which her Majesty had resided did any one appear. In short, notwithstanding the great number of towns at which her Majesty stopped in her passage through Germany, only one person had arrived from that country—namely, the amiable Mrs. Barbara Kress, of Carlsrhue. Whether she was to be called a chambermaid, a cellar-maid or a maid-of-all-work, it was not easy to determine, for there was a great doubt as to her capacity; but as to her character there could be no doubt whatever. She, however, was the only German witness in support of the bill; and, save and except her Swiss colleague, the worthy Miss De Mont, the only individual, not an Italian, whom the gentlemen on the other side had thought fit to bring forward. He begged their pardon, there were two great exceptions; but they were his witnesses, not theirs, and he reserved them for the opening of his case. He came now to the consideration of the testimony of this German chambermaid, and here, as on former occasions, he found it necessary to resort to the witness herself for the evidence of her qualifications. Never, except in the case of the Queen, did an anxiety to fabricate evidence give rise to so much contradiction, and so completely defeat itself. This woman had, according to her own statement, been in the reputable and inexperienced situation of chambermaid of a German inn from her earliest years. If their lordships calculated the time from what she had stated in her deposition, they would find that she was just turned of 13 when she began to perform the duties of a chambermaid. In tracing her biography it

would be found that she states she was then a servant with somebody, whose occupation she shows no disposition to disclose, but who turns out to be a small inn-keeper. She had afterwards been in other places, though where it was not easy to discover, from the account she gave of herself; but it was worth while to consider the difficulty thrown in the way of extracting from her any satisfactory account of herself. She relates that she had been in such a place, with Mr. So-and-so—with a Mr. Merway. Occasionally, when asked in what situation she had been, she answered, a servant. She tried to sink her own occupation as well as the business of her master; but, when pressed, it finally turns out that, wherever she was, except for a short while when employed as a laundress at the palace of Baden, she had always been a chambermaid at an inn; and that however often she changed her place, she never changed her station. But in the progress of her evidence she threw a little more light on her employment, and the nature of her pretensions. In particular, it appeared in what manner she had been induced to give evidence, and to this he entreated their lordships' attention, for if there was a want of witnesses in Germany, it was from no want of agents in that country. And here he must observe, that if there should prove to be any fatal defect in the case, it must be attributed to the witnesses and their testimony, and not to a want of diligence in agents. It would be found that in Germany, the agents had pursued the system regularly acted upon, with the usual activity, and with the command of the usual resources. Whatever mortification he might feel on recollecting that Englishmen had been employed in the odious transactions of the Milan commission, it was some consolation to find that they had not gone the length of the German agents, who had indeed far outstripped his own countrymen in disregard of the means by which they sought to promote the cause in which

they were engaged. In Germany the agents were persons of high distinction. He found, for instance, that Baron Grimm, the Wurtemburg ambassador, the minister of a country, the throne of which had been filled by the Princess Royal of England, had been most active. He found this Baron Grimm associated with a person named Reden, now the Hanoverian minister at Rome, and who had been appointed to succeed the worthy Baron Ompteda in that capacity. This man had treated the Queen-consort of England, who, besides, was his Queen as much as she was their lordships', in such a manner as rendered it impossible for her Majesty to continue in the same place in which he resided, consistently with the respect due to her character. This Reden, Baron Grimm, and another person, with a long name, in the service of the Grand Duke, had been active and unscrupulous agents in the proceedings to which their lordships' attention was called. The worthy Baron had not scrupled to throw far from him all those feelings of decorum which were becoming in private life. It was, however, possible that, in the conduct of diplomacy, a minister might think himself justified for acts which no other individual would commit; that it might be thought allowable in a minister to do that which would disgrace a private man; that things might honor him which would call down reprobation in private life; that he might obtain the favor of his employers, and what he called honors, for actions which, had he not been a diplomatic agent, would have called down upon him infamy and dishonor. These men certainly acted as if they had felt in the manner he described; as if they thought that in their characters as diplomatists they were men bound to do all things needful, and to whom all things were equally good. When Baron Grimm heard that the Queen was coming to Carlsrhue, he was living there in apartments which he had previously hired. On her Majesty's arrival he

artfully gave them up. To accommodate her Majesty, he kindly left his residence, and sought other lodgings. He changed his apartments for worse; courteously, but yet insidiously, resigning those in which he had lived to her Majesty. What would their lordships think of the Baron's politeness, when they found that the very moment the Queen left the apartments, he eagerly returned in pursuit of the secret business in which he was engaged? As soon as her Majesty departed, he and another agent, whose name was also mentioned by the witness, were seen, as Barbara Kress says, "running up and down the rooms," prying into every corner, looking carefully at the furniture, and examining the beds, and performing all the degrading offices which he thought could please his employers, but which they would doubtless despise. Such was the conduct of these men, who demeaned themselves without scruple to the lowest offices. But, active as the Baron had been, regardless as he had been of his own dignity in the transactions in which he had been engaged, he had not consented to become a witness. He did not show the same boldness in facing their lordships, as he had shown readiness in committing acts elsewhere, which called down reprobation on his conduct. Here, however, the Baron was not forthcoming—here, where, if Barbara Kress spoke truth, he would have been a most important witness: for, having entered her Majesty's apartment the moment she left, he must have been able to corroborate the story told by Kress, respecting the state of the bed, if she had stated the truth. The Baron was, however, absent, and the only witness that could be found to speak to this extraordinary fact was the German chambermaid. On looking at the evidence of this woman, some estimate might be formed of her motives for coming over to this country. She swears that she came to England from compulsion; but, on turning to the next page, it would be found that she

was to be paid; or, in other words, to have a compensation for her loss of time. But she repeated only what had been put into her mouth, she had made no terms—had entered into no bargain, express or implied. She looked to no payment for the evidence she was to give. This was her first story; but it afterwards came out that she had got a little payment, and the liberality with which it had been meted out was reluctantly wrung from her. Their lordships would find the part of her examination he alluded to, in page 193 of the printed minutes. She was asked if ever she had been examined before, and she answered she had at Hanover. The examination ran thus:—

"What did you get for going to Hanover?—I received a small payment just for the time I had lost.

"How much was that small payment?—I cannot exactly tell; it was little, very little."

Thus, because the remuneration was so little, she could not recollect it. Being so little, it might have been the more easily recollected; but it subsequently appeared, that it was not because the reward was little, but because it was great, that she forgot it. What would their lordships think if it was found to be five times greater, ten times greater, than her ordinary wages at the inn? What if it doubled her whole yearly wages at the inn, perquisites and all? When such was the amount of the sum, would any person of common understanding place confidence her testimony? Was she to be trusted in her statement of facts, who could not recollect receiving for a trip to Hanover and back again to Carlsrhue, which occupied only a fortnight, double what she could earn in a year—who, under such circumstances, said she could not recollect what she had received, because it was so little? Would any man place reliance on any coming story from such a source? She also positively asserted that she expected no reward. But it was surely enough to make that part of her

evidence be pronounced false, to know that she must have expected a reward in future from her experience of the liberality of the past. The same equivocating manner followed her through her whole story. The way in which she described herself to have left one particular scene which she professed to have witnessed—her alleged message to the room of the Countess Oldi—her alleged care in convincing herself that the woman she saw was the Princess, when, if her business had been in the room of the Countess, she would have had no excuse for going into the other room so to convince herself—her assurance in answering the question, that it was certainly the Princess whom she saw, when there were other women in the house ; though Barbara Kress was the only one thought worthy to be brought here : —all these things proved that she was not satisfied with herself, until she was convinced that she had fulfilled the duties of a witness faithful to the interests of her employers. He had mentioned to their lordships, that, to support the Carlsrhue scene, Grimm had not appeared here ; but there were many others of the Queen's suite who might have been called, and whose absence argued strongly against the truth of the story. It was plain, from the manner in which Barbara Kress had given her evidence, and from the evidence itself, that she was not satisfied that the woman she saw with Bergami, was the Queen. He must now again beg their lordships to re-cross the Alps with him, and having dismissed the testimony of the principal performers, there remained little to do ; the rest were mere make-weights, thrown in to give color and consistency to the fanciful picture, and to all of whom the same general observations which he had yesterday submitted to their lordships on the nature of the whole testimony applied. Nothing was more remarkable than the general character and appearance of the witnesses. Their employments were generally of the lowest description, and, after all the pains which had been taken

to give them a respectable appearance by new clothing, the total failure of these endeavours must have struck every one of their lordships. Two of those witnesses were sailors, and he wished to remind their lordships of these men's evidence. Two facts to which they swore, were of a nature which it was impossible to credit. Could it be supposed that the scenes they describe could have been attended with such publicity? It was impossible to conceive that any individuals possessing ordinary common-sense would have voluntarily exposed themselves to the observation of eleven or twelve persons in the way these witnesses had sworn. And were witnesses to be believed who swore that, after seeing such extraordinary things, they never mentioned them? These assertions had almost rendered cross-examination unnecessary. One was asked if he ever spoke of what he had seen?—"Yes, once. Where?—At Milan, to the Commissioners. Did you ever mention it before?—Never." It was the same with all the rest. When Rastelli swore to scenes too disgusting to be detailed—when he swore to abominations having taken place in the face of day which could not be described, and that, too, in a situation so unsheltered, that it was impossible for him to turn his head without seeing them —he, like all the rest of the witnesses to these abominations, as if the relation between cause and effect in this singular case was wholly suspended, had never opened his mouth on the subject: his lips had been hermetically sealed till he was called on by the Commission at Milan. Through ten long months that witness was silent. Was he a hermit all this time? Was he living the life of a recluse? Was there no mortal ear in which he could mention it? Was there no man, woman, or child, to whom he could whisper it? To the latter, perhaps, he might not be expected to mention it; but had he no friend, no brother, no mistress, no common passenger, to whom he could mention it on the lake? Was it to

be believed that no communication of such a scene would have been made, had it been true? He would show, by evidence, that the boatmen of the lake had been induced to tell stories, which they admitted had no foundation in truth, in consequence of the rewards they received from passengers. Was it credible, then, that Rastelli would have been so reserved if he had anything to tell? Was there one, even among their lordships, whose lips were schooled to enact the courtier, even when no court was present, who would not have repeated it to some one or the other? He professed he knew not even a private gentleman, who being under no obligation to conceal it, who, not being under the seal of secrecy, would not have made wiser those persons whom he might next have chanced to converse withal. Yet these low persons, so different from the upper ranks, are so discreet, are so much more upon their guard, feel themselves living among persons of so much purity, that the mention of such facts would have crimsoned their cheeks with the glow of offended delicacy. They never mentioned a syllable of what they had seen to any living being. Was this probable? Was it to be believed? The Princess was described to have been seen kissing Bergami in a boat on the Lake of Como, as often as the wind blew on it. She was seen riding in a carriage in a situation which could not be mentioned without a blush. The facts witnessed were so striking, so unheard-of, so frightful, so portentous, that, if really seen, it was impossible for the beholder to remain silent a single day. But days, weeks, and months passed away, and nothing was said on the subject, till the parties were called before the Milan Commission. It was then, for the first time, that the lips of these persons were unsealed. But he would not admit that they concealed these extraordinary things for weeks, days, or even hours. He believed they had concealed it from the time when it first crossed their imag-

inations to act the part they had preformed; from the time of their hearing that others had been liberally paid for slanders; and, resolving to imitate their example, until they repaired to Milan. But the concealment was no longer than the journey demanded to the place where they expected to obtain the reward of their perjury. In all this their lordships would perceive there was no variety. There was in this respect a general sameness in the conduct of these witnesses. In other respects there were differences which it might not be improper to notice. Did their lordships recollect the waiter from Trieste, Ouchi? But they could not forget his aspect, if they had his name. Did they not recollect that physiognomy—the never-to-be-forgotten expression of that face—those eyes—that nose—that lecherous mouth, with which the wretch stood there to repeat the falsehoods, the wicked suggestions of his own filthy imagination, to which he had sworn at Milan? Would they not forever remember that hoary pander from Trieste —the manner in which he told his story—the haggard look which gave him the appearance of an inhabitant of the infernal regions, and which must have reminded their lordships of the great Italian poet's description of a broad-faced tailor in hell, peeping and grinning through the eye of a needle? But the testimony of that wretch would be contradicted. He, at all events, should be punished. There were also others that could be reached; but that man certainly should not escape. It would be shown, by evidence above all suspicion, that he had sworn to falsehoods. It would be proved from the nature of the room, and the situation of the door, that what that man had so solemnly asserted, could not be true. Taking even his own account of the room, it would be shown that his story must be false. It could be proved that the Queen slept only one night in all her life at Trieste; that, on the evening she arrived there, she went to the opera, as that witness had

stated, which was the only instance in which he had spoken truth. Her Majesty left the place next day, and never returned; so that she had only once in her life crossed the gates of Trieste. He would now dismiss those witnesses without further observation. He had shown them by sample, and the sample was sufficient to satisfy their lordships of the quality of the remaining part of the filthy cargo. Then came the truly foolish stories of a picture, and of chamber ornaments, introduced for the obvious purpose of varying, and adding some little diversity of decoration to, a wearisome and thrice-told tale. Whether *Iachimo* was the original offspring of our great Shakspeare's mind, or not, their lordships would readily recognize more than one of the witnesses, but one especially, as the own brother of *Iachimo*. How had he represented himself, when most deeply engaged in contrivances against the honor of "a princess of this fair isle"?—

> "Away to Britain
> Post I in this design: well may you, sir,
> Remember me at court: being there quench'd
> Of hope, not longing, mine Italian brain
> 'Gan in your duller Britain operate
> Most vilely for my 'vantage excellent.'
> And I did wound belief in her renown
> With tokens, thus and thus: averring notes
> Of chamber-hangings, pictures, this her bracelet;
> And, to be brief, my practice so prevail'd,
> That I return'd with similar proof enough
> To make the noble Leonatus mad."

An endeavor had been made here, as then, to substantiate two different cases by similar marks and tokens. Having thus disposed of evidence that ill deserved so much of their lordships' attention—having commented, within narrower limits than he should have assigned under other circumstances to his observations on such a tale, he had to solicit their attention to one or two other of the more remarkable features of this evidence.

He should indeed be guilty of a gross abandonment of his duty, if he did not claim, in a question of this kind, those advantages for his illustrious client, which would be yielded as a matter of right to any other individual. This was not indeed a regular bill of indictment; it was a charge thrown into the shape of a Bill of Pains and Penalties, and it was on that account that he conceived himself to be justified in requiring evidence of the most indisputable character. Now, then, for a closer investigation of the nature and character of that evidence. The Neapolitan scene was, he apprehended, the first to which the testimony of any witness called for the prosecution applied itself. Here, at least, the offence was supposed to have been brought to its completion—here it was represented that after a courtship of about one fortnight, the last guilt had been incurred. Here was the story of a Princess, of life previously unimpeached, of character raised, brightened, and purified, by a former investigation, described as sinking all at once into an abyss of shame and infamy. If there were truth in evidence, or benefit in acquittal—if certainty or conviction were to be derived from repeated inquiries—the previous conduct of her Majesty stood fair in the eyes of the whole world. It had undergone two solemn examinations; it had come forth so pure from the ordeal, that when one set of ministers advised a censure upon what they called "certain levities," their successors, dissatisfied with that advice, recommended the expunging of the censure, and her public reception at court by her uncle and father, as a person adorned by every virtue and accomplishment that could add grace or dignity to royal life. This, he would also beg leave to remark, was a recommendation sanctioned by some persons, who were now thought to be by no means unfavorable to the present bill. According to the statement now produced, her Majesty had indeed observed the most correct demeanor up to a certain period of her residence in Italy. She at length,

however, hired a servant, of whom he should afterwards have something to say. With this servant she was represented as travelling to Naples, where her degradation was complete. Here, according to the story told on the other side, did this illustrious matron, this "fair Princess of our isle," condescend to become the favored mistress of a menial lover. Here did she engage in scenes and acts that never yet marked the conduct of any woman who had not been long sunk in a course of profligacy. He doubted, indeed, whether any course of profligacy could so inure the human mind to shame, so steel it against the common apprehensions of discovery, as to lead to the real exhibitions which had been so minutely recorded at their lordships' bar. How could they reconcile conduct so incautious with any of the known principles of human action? How were they to believe the romantic tale of a Princess resorting to the bed of her menial servant, quitting her own room in the middle of the night, and shaping her course to her paramour, not by the way through which she might have passed without observation, but through a room where it was next to impossible that she would not be exposed to the gaze of another menial servant? It was in evidence, that she might have found a different way to her supposed destination—namely, by avoiding the corridor —and have so escaped the observation of any human eye. He would then invite the attention of their lordships to another most important circumstance. What were the preparations for this indulgence in guilty joy? What was the scene of these early loves? All concealment was described as having been laid aside, and the parties also described as acting under the influence of a violent and domineering passion. It did, however, happen that the bed on which Bergami was resting, and to which the Princess so repaired on the second night after her arrival at Naples, was a travelling-bed, a couch framed on an iron bedstead, and intended for use only on

occasions of travelling. In every other room of the house, in the apartment itself of her Royal Highness, there was provided an easy, a comfortable place of repose. Her Royal Highness's bed was, nevertheless, left untouched. To be sure, De Mont had wavered a little on this subject, in her cross-examination by his learned friend, Mr. Williams, as compared with the leading examination (and he meant no personal offence) of the Solicitor-General. She did not seem to be in perfect charity with his learned friend, who did conduct his operations in such a way as to lead to some slight alteration, and to induce the lady, on the third day, to admit that her recollection was a little mended. She, at length, in answer to certain questions, gave rather a different complexion to the story from that with which Signor Majocchi had invested it. In the first instance, the chamber-maid related that the Princess's bed did not appear in any great disorder, or to have been much tumbled on that occasion. Their lordships were subsequently informed by her, that the bed did appear impressed in the centre by the figures of two persons, and that there were certain stains. Now he would put it to any man, whether it was likely that, if such facts were truly within her recollection, they would not have appeared on the examination in chief; whether they would have been left either to the ingenious mode of detection adopted by his learned friend, or to the general inquisition of their lordships? But the Queen was also represented as having been previously in a state of considerable agitation, and as having, for the first time, stopped the admission of Billy Austin to her bed-chamber. He would show to them, however, that her Majesty was at the opera that night, and that Billy Austin had long possessed his separate chamber, although never excluded from that of his royal benefactress. He was accustomed to enter it whenever he pleased—it was open, it was accessible to him on the evening in question. The whole of De

Mont's evidence was plainly intended to support the fact of positive adultery—to persuade their lordships of a really criminal intercourse having taken place. There was something very remarkable in that passage of her statement, which referred to the appearance of certain stains on the coverlid of the Princess's bed. It was scarcely uncharitable to suppose, that she well understood tokens of that description; that her memory was disciplined so as to aid her invention when taxed on such a subject; because one unskilled in that kind of learning, would not have so carefully noted the circumstance; it would, indeed, in that case, have escaped her attention, as the idle wind that blew over her head. The next important scene was one to which the same witness was equally particular in her deposition, refusing to commit herself to dates. She, whose recollection was so wonderfully accurate as to all other matters, did not feel quite confident in this respect. The circumstances, indeed, divested of their relation to time, were stated positively enough. They had Bergami naked in the corridor, without stockings or even a morning gown, there meeting the chambermaid, not retiring at her approach, nor she at his, but pursuing his course with a steadiness of pace, and a firmness of composure, with which few wedded men sought their legitimate and bridal couch. So extraordinary a statement could not easily be obliterated from the recollection of their lordships. In referring them to page 251 of the printed evidence, he did but remind them of what they had not possibly forgotten. If they passed on to the occurrences at Catania, they must also be struck with some surprise, that when it was open to the Attorney-General to call two witnesses to the same fact, he should have contented himself with one. "Two servant-maids," said he, "were sitting in the room next to Bergami; both saw the Princess come from Bergami's room at an early hour, and they heard a child cry in that of the Countess

Oldi ; " in other words, both knew, and had watched, all that took place. How, then, did it happen, that only one of these individuals was called by the Attorney-General ? No intimation was given that they had ever communicated together, or that the falsehood was of joint production. One only was called, and what was the amount of her narrative, admitting for a moment all its multiplied improbabilities ? Bergami slept in a room not adjoining to, or communicating with, the Princess's apartment : separated from it by a court which formed the centre of the building. This was the case whilst he was in good health : but he became sick—he was visited by a severe fever. It was then that he was brought from the room which he had previously occupied, to that of the Countess Oldi. Singular scene for the carrying on of an amour—singular occasion for the exchange of mutual endearments ! It was not when he was in health, but when he was sick, when he lay more as a patient than a lover, that her Royal Highness was described as bending amorously over his couch. To him it appeared difficult to conceive an opportunity worse selected for the accomplishment of the supposed end—circumstances, or a scene, so perfectly embarrassing. Under the arrangement as set forth in this evidence, the Princess was obliged to pass during the night by the room of her two servant women, in order to reach that of Bergami. A woman of ordinary prudence, having a similar object in view, and in possession of the means of altering the occupation of the different rooms, would have selected apartments contiguous to each other. By disposing of them differently, the servants might have been removed to a greater distance, and the intercourse between the Princess and Bergami might have been carried on without interruption or discovery. With a very little foresight those servants might have been kept from approaching the threshold of these chambers. But, if they were to believe the representations made to them,

her Majesty had been all along engaged in a conspiracy against her own happiness, comfort, honor, and existence. It had been the uniform tendency of her tactics, to multiply damning proofs against her own character. She had studiously consulted, courted, her own ruin. But he had been told that he might contradict this testimony, by producing Marietta De Mont. She, he was told, might possibly show that it was a foolish and incredible tale, to describe her Royal Highness as never doing one single act that had not a direct tendency to injure her own interests, and tarnish her own reputation. He would, however, contend confidently, though with all humility, before their lordships, that it was incumbent on those who instituted this prosecution to have led that witness to the bar. She was, according to every rule of judicial inquiry, their witness. There was no judge who would dispense with her evidence on any criminal proceeding. Here the exigency of decisive, conclusive, incontrovertible proof, was greater than upon any criminal prosecution conducted by the forms of law. To support a Bill of Pains and Penalties, every ordinary rule, every principle of judicature, became more important. They who were placed in the situation of defendants by a measure of that kind, had to complain, not of accusation, but of oppression. If justice reigned in that place, the obligation of producing Marietta, and of opposing her testimony to that of her sister, could not be cast on the defence. No such proceeding would be admitted in any case affecting life or limb. Let their lordships put, for a moment, the case of a civil suit, of an action of debt, and remark how clearly the law distinguished between the trials of questions relating to property and those which imposed penal consequences. It would not be necessary for him, in establishing his claim of debt, to call the clerk or servant of his adversary; but if he charged a criminal offence, he was bound to produce the very best evidence

of which the question would admit. Even though connected with the adverse party, no individual possessing knowledge of the subject matter could be dispensed with, if there was any practical mode of obtaining his testimony. Suppose the trial of a highway robbery: their lordships well knew that the account given of the transaction by a Bow-street officer, perhaps panting for his reward, would not be deemed sufficient. Neither would the evidence suffice of an accomplice, tainted by his own confession, or of a spy, degraded by his vocation. On the contrary, if the party's own friend, acquaintance, servant, or any person other than his wife, had witnessed the facts stated on the record, that individual must be called for the prosecution. He would venture to assert, that no English judge would suffer any man to be placed in jeopardy of his life, without this precaution. The prosecutor was bound to call every sort of unsuspicious evidence that was accessible to him. No person, in the character of a defendant, ought to be required to produce the relations of the witnesses against him. It was a fundamental principal of English law, as well as the obvious dictation of common sense, that every one should be presumed innocent till guilt was fairly proved. Their lordships could not fail to perceive that her Majesty was in a most singular situation. After all that she had suffered and passed through, it was impossible that she should not open her mind to some construction of the motives by which those about her were actuated. It would not be surprising if in some instances she formed an uncharitable judgment. The long period during which her oppressions had continued, the manner in which she had been so often surrounded and betrayed, the hidden artifices scattered beneath her feet, might have naturally awakened in her mind suspicion and distrust of all who approached her. After fostering those who now attacked her; after her experience of the Omptedas, the Grimms,

the Radens, and, above all, after this new process, it would be extraordinary if suspicions did not find their way into an otherwise unsuspecting heart. It was not easy for her to distinguish between enemies and friends; it was possible that she might even now be cherishing another viper. The case was, however, left short by the Attorney-General; and, on her Majesty's behalf, they were driven to the necessity of supplying its defects. Her Majesty had all along corresponded with Marietta, with the sister of De Mont; she knew nothing to the prejudice of her character; and, let the result be what it might, Marietta would be presented at their lordships' bar. He would not say that this was prudent; he knew it was not essential to the defence. It had been said, too, by a great authority—by him "who fulmined over Greece" in words of fire, that "the best security of a feeble heart was not to be found in any outworks, or ramparts, or safeguards, raised by the hand of man against the fraudulent or the powerful, but in mistrust; and that this was a feeling implanted by Nature herself, for the preservation of innocence." Against agents and spies so unscrupulous as the Omptedas, the De Monts, and the Sacchis, some degree of circumspection was most needful. Their lordships would likewise admit that there was no obligation on their part to bring forward the testimony to which he was alluding. Had the professional advice of himself and his learned friends been called for, they might, perchance, have felt it to be their duty to awaken suspicions where none at present existed. Her Majesty, however, had seen no reason to doubt the motives or character of a faithful servant, and this servant would therefore be produced. It was at the same time manifestly gratuitous on the part of her Majesty; it was an act that could only proceed from conscious innocence. He would now draw their attention shortly to the transactions at Charnitz. Incredible as they were, he should have passed them over in silence, had they not appeared

to make a transient impression on the minds of some amongst their lordships. De Mont had sworn that the whole night subsequent to Bergami's bringing the passport was passed by him in her Royal Highness's chamber. This was false—he should disprove the whole representation, and show that she commenced her journey within an hour and a half after the arrival of the passport; that this time was, indeed, scarcely sufficient to pack up, and mature the preparations. She lay reclining on her bed, in a travelling dress, and with the room door open, during this whole period. So at Carlsruhe she would be shown at a music party, and proved to have supped at the Margravine's, whilst Bergami was at home ill, with his sister and child, on the very evening which they were represented to have passed together. Some were so very inattentive to the nature of conspiracies, and the characters that marked the most artful and deliberate falsehoods, as to suffer doubts to cross their acute and ingenious minds, arising from the very inadequacy of the evidence. If, they said, it were a plot, it would have proved the whole charge; if the evidence were fabricated, it ought to have convinced all mankind; if it were all the inventions of conspirators, it must have been so full and complete as to leave no part unsupported; but here things were proved, and omissions made, which were utterly inconsistent with a plot. Could those acute and ingenious persons forget that there were two things to be attended to in getting up plots and conspiracies—one of which was common to all conspiracies, and the other of which was uniformly observed in this case. The first was that the witnesses should not swear too hard, that they should not prove too much, but that they should speak to facts and circumstances founded in nature, and consistent with experience: and the second thing was, to take most especial care not to call two witnesses to the same point. These witnesses, sure to be

exposed to no contradiction, because none was to be called to the same facts, were to state their several stories as moderately as possible. The architects of this structure had been most careful to observe the rule of calling only one witness to each circumstance. If this care had not directed their course, why had only one witness been called to the scene at Naples? Why had not two witnesses been called to this most material part of the case? Why? but because it was dangerous to call more than one. So it was with every part of the case; one witness was called to the fact, and one to confirmation. The one was to tell truth, and the other falsehood. One was to tell a falsehood which would bear upon the charge brought forward, and without which the truth could be of no avail. Another told an unessential truth, to give confirmation to the falsehood. At Naples, his learned friend had opened what, if it were not invented and fabricated, ought to have been proved by a cloud of witnesses. When at a masquerade the Princess of Wales, even although in a mask, must have been known; and the circumstances alleged to have been observed, if true, must have become at once public. But the events of that masquerade, like the fictions of this plot, live only from night till morning. If the story told were true, it would have been widely circulated; all the gossips would be full of it, and could talk of nothing else—

> Et otiosa credidit Neapolis,
> Et omne vicinum oppidum.

Yet to this only one witness had been called. Why had no witness been called to speak to the beds?—Why none to speak to the linens? What became of Annette Preising? He was able to tell their lordships: she was now in this country. Why had she not been called? Because she was not an Italian. She could have given the most essential evidence, if there were any truth in

the statements opened to their lordships ; she could have spoken to the passages in the rooms mentioned. Could she have spoken to the beds ?—She made them. To the linens ?—She had the care of them. Who washed the linens ?—The washerwoman might be an Italian, for aught he knew. The learned gentlemen on the other side knew well the importance of a washerwoman's evidence ; they had seen, by experience, the effect of it, in proving charges like the present. They knew the effect of it by experience of its importance in the Douglas plot. They knew by experience that, if such a witness could have stood a cross-examination, this plot could not have failed. Was he to be told this was not a case of adultery ? Why, what meant the evidence offered, if it was not a proof of adultery ? He needed to say no more to prove that the whole case failed ; for their lordships ought not to compel him to refute a case brought forward and supported as this was. But, if they believed the evidence, it was as clear a case of adultery as had ever been known in Westminster Hall. If they believed De Mont—if they believed Majocchi—if they believed Sacchi, they could have no doubt of the adultery having been committed. If they believed Sacchi, when he said that he had seen Bergami twice going to the bedroom of the Princess of Wales, and remaining there, they could not doubt that adultery had been there committed. If this was true, then the Queen was worse than Messalina, or as bad as Marie Antoinette was represented to be, when the Jacobins of Paris covered themselves, even themselves, with complete infamy, by the charges against their queen. Another remark he had often heard made upon the case against her Majesty, and the observation offered in reply to that case :—" Oh ! " said some acute sifters of evidence, " Oh, you have damaged the witness only by proving falsehoods in unimportant particulars." This remark could not come from law-lords, who could not fail to see how

ridiculous such an objection must always be. He granted, indeed, that if the object were to confirm an informer, the confirmation must extend to important parts of his testimony; and a confirmation as to some slight circumstance would deserve no weight. But it was quite the reverse in pulling down a perjured witness, or a witness swearing falsely. If that witness's testimony was false in the least particular, that falsehood destroyed the whole credit of the testimony. Could it be said that they ought to believe part, and to disbelieve part, of a witness's testimony? He would admit, indeed, that there might be parts which the witness of truth might be ignorant of, or which he might have forgotten; and that, by separating mere mistakes of ignorance, or forgetfulness, and culling the parts that were sworn to from knowledge and correct recollection, they might obtain evidence to be relied on. But if a witness swore not only what was not true and not correct, but had falsely sworn what could not be true—if a witness swore to his own invention—if he swore, to use plain language, a lie, in any particular, however unimportant—good God! what character was safe? what escape remained for the purest innocence from the toils of an enemy, or the fabrications of a conspirator, if they believed one word of such a witness's testimony, and separated the lie from the other part which rested on the credit of him who fabricated the lie? What person could be safe from the mercenary and spiteful villains? One of their lordships might be charged with a crime that nature abhorred—a crime of the greatest horror to his mind, and the greater in proportion as his mind was alien from the very thought, and his feelings alive to the infamy of the bare supposition. The best and most distinguished of their lordships might to-morrow be placed in the situation of one so charged, and must be convicted if a perjured scoundrel was to be believed upon such a principle of selection and separation of evidence. If one of

their lordships was so charged with a crime, which in this country was held in such abhorrence, that even the charge, contrary to strict justice, destroyed reputation before trial, he must forfeit his reputation if the charge should be supported, as it might be, and the principal part of the testimony were believed. No perjury could be detected in the principal circumstances. All the skill and experience of the ablest counsel might attempt such detection in vain. The accuser had only to take care that only one person should speak to the chief part, to choose his time, and to select his place. Where contradiction could not be offered, by choosing the time, and selecting the place where one of their lordships might have been, refutation would be rendered impossible, prevarication unlikely. But before any court the accused would be acquitted, if the villain told a clear, unimpeachable story of the principal circumstances, and yet told the least falsehood on the most unimportant particular. He asked, then, for the Queen, no other justice; he desired for her Majesty no other security, but that which their lordships would require, and be entitled to, before any other court. He was told their lordships would be aware that the situation which Bergami originally occupied in the service of her Majesty, compared to the sphere in which he afterwards moved, was of itself matter of suspicion. He need not tell their lordships that such promotion was neither uncommon nor suspicious in itself; indeed, there was nothing more common than showing favor to meritorious service, by promoting the servant to higher offices. It would not be said that every man ought to be confined and chained to the lowest lot in which he happened at any time to find himself. God forbid that we should live to see the time when all situations in this country, except the highest, were not open to all. But, if promotion in the present instance could be objected to, objection could be made to all promotions. At the same time the

rapidity of Bergami's promotion was greatly overstated; and, in the manner in which it took place, afforded a convincing proof that the story of love having been the cause was utterly false. Let them believe Majocchi and De Mont, and three weeks after Bergami entered her Majesty's service, he was admitted to her bed. But how did he board? He continued in the situation of *courier;* he dined with the servants, and not even with the chamberlain. At Genoa it was proved that he had not dined with her Majesty. But suppose he had sat at the table, still he continued a courier; and it was only on the eve of the long journey which her Majesty took, and during the familiarity of a journey to Mont St. Gothard, that he was promoted; and then he was only promoted to travel in a chaise, which he occupied alone, instead of riding on horseback. Then he was at last promoted to sit at her Majesty's table. This was sufficient to show the utter falsehood and absurdity of the case attempted to be set up. The amorous, imprudent, insane Queen—for so her Majesty was described—was entirely subdued by her passion for a person who exercised all this power, for weeks, and months, and years, in a menial capacity! This was not the rapidity and haste with which Love promoted his favorite votaries: it much more resembled the slow progress with which merit rose in this world. So much for the manner in which Bergami was promoted. But Bergami had not risen from the low origin which had been described: his father had been in the situation of a proprietor of moderate income in the north of Italy, and had got into difficulties, as many gentlemen in that part of the country had then done. The son sold the property to pay his father's debts, and thus became reduced; but still he was a reduced gentleman. At General Pino's he was received as such, and recognized as such. He dined at General Pino's table while he was a courier; he dined at his table in the Spanish campaign. He associated with gentlemen, and

he was esteemed by all with whom he associated. An Austrian nobleman in the Milanese, proposed him as a courier to the Queen's chamberlain, and he was hired by the chamberlain without the knowledge of her Majesty. The Austrian nobleman had fairly confessed that he expected Bergami would be promoted, because he had formerly seen better days, and he was of an honorable mind, and his ideas belonged to his former rather than to his latter days. Bargami was, indeed, employed first as a courier, and necessarily so employed before he could be promoted to be her Majesty's chamberlain. He mentioned this, not as essential, for he conceived that he had already disposed of the case, and proved that there was not one single fact before them upon good and credible testimony; but he mentioned this because the conduct of the Queen had been scrutinized, to show that no impropriety existed where guilt was charged. If the Queen had lowered her dignities, and had fallen into impropriety, if not guilt; if her Majesty had been guilty of unworthiness, he could stand on higher ground. Guilt there was none; impropriety there was none; unworthiness there was none. But if there had been guilt, impropriety, or unworthiness, he would have appealed to what always supported the good in the hour of trial —he would have appealed to her Majesty's former course of life. There was not a person among their lordships who would not hear the testimony that he could offer with the utmost respect. From the most powerful of all who had had means of knowing her Majesty's former course of life, from our late reverend Sovereign, he held in his hand a testimonial which could not be read without sorrow. It was a melancholy proof of her Majesty's conduct—melancholy, because he who gave it was no longer among us; but it was a proof given by him who knew her better than any, and who loved her better than the rest of his family; although there was in the family one on whose

love and affection she had stronger claims. It was painful to perceive the sense which his late Majesty entertained of the conduct of others towards his daughter-in-law and niece. The letter to which he alluded, he begged leave to read:—

"Windsor Castle, Nov. 13, 1804.

"My dearest Daughter-in-Law and Niece,—Yesterday I, and the rest of my family, had an interview with the Prince of Wales at Kew; care was taken on all sides to avoid all subjects of altercation or explanation; consequently the conversation was neither instructive nor entertaining; but it leaves the Prince of Wales in a situation to show whether his desire to return to his family is only verbal or real—(the difference between verbal and real was a difference which George III. never knew)—which time alone can show. I am not idle in my endeavors to make inquiries that may enable me to communicate some plan for the advantage of the dear child, for whom you and I with so much reason must interest ourselves; and its effecting my having the happiness of living with you is no small incentive to my forming some idea on the subject; but you may depend upon their not being decided upon without your thorough and cordial concurrence; for your authority as mother it is my object to support. Believe me at all times, my dearest daughter-in-law and niece, your most affectionate father-in-law and uncle,

GEORGE R."

This was the opinion of that good man—of a man not ignorant of life, and no mean judge of human character—of the fitness of her Majesty for the care of his granddaughter. He might now read another letter from the illustrious successor of George III.; it was not written in the same tone, it was not indicative of the same regret and confidence—it was not indicative of the same regret, but it was by no means indicative of want of confidence, or of a wish to impose trammels on her to

whom it was addressed. But this letter was known to their lordships. It expressed, indeed, a desire to live separate, and it contained a plain indication that her conduct, at least, would not be watched with the rigorous vigilance of scrutinizing agency on which this case was founded. ("Read, read.") The learned counsel here read the letter :—

"Windsor Castle, April 30, 1796.

"MADAM,—As Lord Cholmondely informs me that you wish I would define, in writing, the terms on which we are to live, I shall endeavor to explain myself upon that head with as much clearness and with as much propriety as the nature of the subject will admit. Our inclinations are not in our power, nor should either of us be held answerable to the other, because nature has not made us suitable to each other. Tranquillity and comfortable society is, however, in our power; let our intercourse, therefore, be restricted to that, and I will distinctly subscribe to the condition which you required (a condition which she never required, nor even alluded to) through Lady Cholmondely, that even in the event of any accident happening to my daughter, which I trust Providence in its mercy will avert, I shall not infringe the terms of the restriction, by proposing, at any period, a connexion of a more particular nature. I shall now finally close this disagreeable correspondence, trusting that, as we have completely explained ourselves to each other, the rest of our lives will be passed in uninterrupted tranquillity.

"I am, Madam,

"With great truth, very sincerely yours,

(Signed) "GEORGE P."

He (Mr. Brougham) did not term this, as it had been termed, a letter of license. That was a term applied to it by those who, unhappily for her Majesty, were now no more. But it could not fail to be matter of wonder to those who read this letter, that her Ma-

jesty had been watched with so much rigor—with a rigor that increased as the parties advanced in life—that she should have been beset with such unconstitutional, unsparing, and most malignant watching and espionage. Such, then, was the case before their lordships. He begged again to call their attention, at the risk of fatiguing by repetition, to the two grand points of defence which he hoped their lordships would never dismiss from their minds:—first, that the case was not confirmed by witnesses, for neglecting to call whom there was no pretence whatever: the second point was, that every one witness that had been called, had been injured in credit. How, but by these two tests, could plots be discovered? Plots were often discovered by the second, when the first failed. When persons in respectable stations in life, previously of unimpeached characters, were got to give evidence in support of fraud and falsehood, the innocent must despair; escape became impossible, unless the plot appeared through the evidence—unless the testimony of the witnesses broke down under them—unless some points, entirely neglected, or incautiously secured, exposed the whole fabrication to ruin and destruction. Their lordships would recollect an illustration of this, which was to be found in a great passage in the sacred volume. He called it a great passage, because it was full of instruction, because it was just, because it was eloquent. The two judges were prepared with evidence fitted to their object, and well arranged. They hardened their hearts, that the look of their innocent victim towards heaven could not divert them from doing the purposes of unjust judgment, or from giving a clear, consistent story. But their falsehood was detected, and their victim was saved, by the little circumstance of a mastich-tree. This was a case applicable to all conspiracies and plots. This little circumstance was of the unessential, but decisive kind, which the providence of Heaven made

use of to detect perjury. Such were De Mont's letters; such Majocchi's banker's clerk. Those circumstances were not important to the body of the case, but they were important to the body of credit belonging to it. "Such, my lords (Mr. Brougham continued), is the case now before you, and such is the evidence by which it is attempted to be upheld. It is evidence—inadequate, to prove any proposition; impotent, to deprive the lowest subject of any civil right; ridiculous, to establish the least offence; scandalous, to support a charge of the highest nature; monstrous, to ruin the honor of the Queen of England. What shall I say of it, then, as evidence, to support a judicial act of legislature, an *ex-post facto* law? My lords, I call upon you to pause. You stand on the brink of a precipice. If your judgment shall go out against your Queen, it will be the only act that ever went out without effecting its purpose; it will return to you upon your own heads. Save the country—save yourselves. Rescue the country; save the people, of whom you are the ornaments; but severed from whom, you can no more live than the blossom that is severed from the root and tree on which it grows. Save the country, therefore, that you may continue to adorn it—save the crown which is threatened with irreparable injury—save the aristocracy, which is surrounded with danger—save the altar, which is no longer safe when its kindred throne is shaken. You see that when the church and the throne would allow of no church solemnity in behalf of the Queen, the heartfelt prayers of the people rose to Heaven for her protection. I pray Heaven for her; and I here pour forth my fervent supplications at the throne of mercy, that mercies may descend on the people of this country, richer than their rulers have deserved, and that your hearts may be turned to justice."

After a pause of a few moments,

The Lord Chancellor inquired, what course the counsel against the bill now intended to pursue?

Mr. Denman said, his learned friend, Mr. Williams, would address their lordships, with their permission.

Mr. Williams then came forward to the bar. He could, he said, assure their lordships, that no man could feel more sincerely, on this occasion, than he did, the various disadvantages he had to encounter; no man could possibly be more aware than he was of the pressing difficulties under which he labored, when he was about to address their lordships on this most momentous question. He alluded not to the incidental circumstance, that it remained somewhat in doubt whether the privilege or the right to speak might be allowed to him at all (a circumstance, nevertheless, not wholly unimportant with respect to a due preparation for the occasion)—neither did he now advert to the severe demand which he should be compelled to make on their lordships' patience—a demand perhaps the more severe because it was in some degree unexpected; but he adverted to his fate, or fortune, or whatsoever else it might be termed, which brought him next in succession to the consideration of a subject, which he would not say had been discussed, but which had been dissected, torn in parts, and laid before their lordships, quivering, writhing, and trembling, by the marvellous machinery which his learned friend brought to bear on this and on every question. In treating this subject, he would cast behind him every unfair consideration; and, having expressed this sentiment, he could at once, he hoped, be believed, when he said that he deprecated most decidedly any notion that he stood forward from a spirit of competition. The present was a case marked by this distinguishing feature beyond any other that had hitherto occurred, from the commencement of the world to the present hour, namely—that it presented to the mind nothing but pure and unmixed evil, without the

slightest portion of benefit. His learned friend had evinced an enlarged intellect to comprehend, a power to express, a courage to meet all difficulty, a varying and shifting attitude, suited to every change in this case, in the course of his honorable and glorious exertions—exertions, the force of which was then alive in the memory, in the judgment, and in the feelings of that House. It now became his office, after the labors of his learned friend, to collect the scattered remnants, which, in the course of the proceedings on this bill, might have been overlooked or left behind, in order to fill up that measure of condemnation, which with all his heart, he hoped, and in his conscience he believed, was not remote or distant, but now awaited this prosecution, though it was the third which had been directed against his royal mistress the Queen. He would ask their lordships, who were the parties in this case?—that surely was not an immaterial consideration—before he proceeded to anything else. He was aware that it had been with difficulty that they had attained a certain degree of knowledge—that some explanation had been allowed with respect to the party to whom her Majesty's counsel were opposed. They originally knew that they were opposed to some person or other, and the power was not the less formidable for being imperfectly divulged. But, not to speak disrespectfully of the name of his Majesty the King—that name which in itself was "a tower of strength,"—a name which, nevertheless, stood in the front of this bill—it was now past speculation; it was now no longer a matter of doubt who the prosecutor was. On the one side, their lordships saw arrayed before them all the weight of the Crown—power, authority, wealth, influence (that influence from whence a large portion of this evidence was derived); and, on the other, her Majesty the Queen, borne down by a series of harsh treatment, to which allusion had already been made—(and on which

he would say no more at present)—"shorn of her beams," deprived of her honors—a Queen, who, with reference to this prosecution, had, by the vicissitudes of fate, by the changes of fortune, by the death of some persons, by the casuistry of office in others, been deprived of the most powerful, the most active, and the most zealous of her defenders. It was necessary, with respect to this view of the case, if their lordships wished to allow the free and fair operation of their minds, that they should combat strongly against any thing like the ascendancy of power on the one hand, opposed as it was to the helplessness, the desertion, the want of friends, and the absence of protectors, which appeared on the other. They were told, by a wise people, to whom reference was frequently made, and not without reason, that this caution, with respect to the paramount authority of the accuser, ought to be strictly and vigilantly exercised; because, if it were not, that authority might be productive of much abuse:—"*Semper in hac civitate* (said Cicero), *nimis magnis accusatorum opibus et populus universus, et sapientes, ac multum in postorum prospicientes judices restiterunt*," a testimony which, at the outset, he would take the occasion to notice as remarkable, on this ground, that it showed the opinion of the universal people of Rome, and of the wise and provident judges, to be one and the same. Cicero went on thus: "*Nolo accusator in judicium potentiam afferat, non vim majorem aliquam, non auctoritatem excellentem, non miniam gratiam; valeant hæc omnia ad salutem innocentium, ad opem impotentium, ad auxilium calamitosorum; in periculo vero, et in pernicie civium; repudientur.*" Their lordships ought, and he doubted not would, exert a powerful caution, and keep their minds perfectly clear from any undue bias, in the course of this conflict, in order that strict, impartial, and equal justice might be awarded to the parties. There was another topic to which he would take leave to allude. He would

not waste their lordships' time by stating, after the many discussions they had heard on the subject, the whole course of proceedings adopted in the courts below; but he would observe, that it was an invariable and sacred rule in those proceedings, that on the evidence in the case, and on the evidence only, was the judgment to be formed. In this case, also, he trusted that no previous opinion—that no preconception, from whatsoever quarter it might be derived—that no rumor, however frequent it might be (and for anything he knew to the contrary, rumors might have been frequently repeated)—should be suffered to interfere with the case; but that the evidence, and nothing but the evidence, would be the rule and criterion of every noble lord who heard him in deciding on this most important question. Without this sentiment prevailed, no longer could there be any chance for the party accused; without that feeling existed, he knew not by what secret power—he knew not by what doubtful means—he knew not by what hidden springs—he knew not by what obscure motives, conclusions might be arrived at, and acted on. But this he knew, that, except by an open, a public, a fair, and an equal examination of evidence on both sides, justice could not be administered. While he was on this subject, he wished to call their lordships' attention to another part of the case, not altogether unconnected with it. How did her Majesty the Queen stand at present? She stood under those difficulties of defence which he had ventured to urge—placed in the midst of proceedings which had not the most remote analogy to those carried on at any other tribunal. She was most critically situated, and had to surmount a variety of difficulties, which, in the case of no individual that stood at the bar of any other tribunal in England, ever had been, or ever could be, encountered, while the law remained the same as it was at present. Let their lordships examine the question; and, though the subject

was not new, he was sure he should stand excused (thinking as he did, that it was a matter which prevaded the whole cause) if he called their attention to the manner in which the evidence was brought forward. It was intimately connected with the defence, and went in fact, to the bottom of the whole proceeding. Whether he was or was not founded in the remarks he was about to make, it would be for their lordships to decide. Was there any instance, he would ask, in the history of England, in which a party accused had been kept in ignorance, until the time of trial, of the precise nature of the charges that were to be preferred—of the time, place, and circumstances, under which accusation was made? He would say fearlessly, that there was none. Let them, first of all, take the more formal or technical part of the instruction, if he might use that term, with respect to the party prosecuted. In the first instance, the indictment must specify a particular day and place. He was aware that it sometimes covered a considerable portion of time; but he would appeal to every learned judge who heard him, if a crime was committed on the 1st of January—if a robbery were then perpetrated, or a house was broken open—whether an individual would be allowed, for the mere love of fiction, from a vicious love of contradiction, to charge the offence as having been committed on the 1st of June? No; the party was informed of the time when, and the place where, the matter advanced against him as an offence was committed, as nearly as it could possibly be ascertained. Was that all? Had not the party accused been previously committed by some magistrate of the county? and, being so committed, must there not appear, on the face of the writ, a description of the offence? In 99 cases out of 100—in 999, he might say, out of 1,000, a previous examination, a previous hearing, took place in the presence of the accused, and of the witnesses adduced against him; and, by means of that previous in-

quiry, he obtained a distinct knowledge of the time and place, as well as of the persons to be brought forward in support of the charge. If it were a wicked fabrication, if it were a gross conspiracy to oppress the accused, he must at least have a specification of time and place, together with a knowledge of some of the witnesses who were to sustain the case against him. Not without reason, therefore, did the Queen complain that the crime charged against her was extended over three-fourths of the globe, without any particular specification of time, but a mere general statement, that it had occurred in the course of six years, and without any knowledge of the witnesses until they came before their lordships. Well, in his judgment, might the Queen complain that she came to her trial under complicated disadvantages—disadvantages that would not attend the trial of any other individual whatsoever, no matter what was the subject of accusation, within the realm of England. He begged leave to illustrate this fact, and he would put this case to every noble lord who heard him, and particularly to those who were conversant in judicial matters :—Suppose a charge of felony, of murder, of burglary, or of robbery, to be made against an individual, and suppose it to be committed on any assignable day; the party accused was committed to prison, and the trial came on. Suppose it was a circumstantial case, and evidence was adduced in support of it from various suspected quarters, while no testimony of a contrary nature was brought forward to oppose it. He would admit it to be a case of such suspicion, that the prudence of the judge, and the conscientious feeling of the jury, could not shake off. What would then be the situation of the accused party?—Why, the learned judge would say, " If this suspicion that hangs round the prisoner be confounded — if it be really true that what looks like guilt ought not to attach to this individual—why is he silent? Why does he not

produce his exculpatory proof? The thing was fresh; the proper time and opportunity for defence allowed, and yet he has failed to prepare himself." Reasoning thus, the conclusion was irresistible; and a man might be convicted of any crime under such circumstances. But he would contrast this with a case that bore some similarity to the present. What, if the individual accused was supposed to have committed the offence six years before? Would any learned judge, consistently with common sense—on which the law was founded—condemn the individual because he could not procure evidence, after such a lapse of time—when witnesses might have died—when memory might have failed—when difficulties might have interposed, which at an earlier period had no existence? No, on the contrary, this would be the language which the judge would hold:—"Why was not this charge brought earlier? What is the reason of this delay? Why has this accusation slumbered? Do you expect a miracle from the accused? Do you now expect the minds of individuals to be so alive on this subject, as to recollect persons, places, and events, which must by this time have faded from their memory?" Such would be the language of the judge. The remoteness of the period—the lateness of the charge, to which, if an answer could be given, that answer should long before have been called for—those circumstances must be considered as the salvation and deliverance of the accused—for large and liberal allowance was always made for those who were thus situated. When a charge was speedily brought, powerful means often arose to defeat it, and those means might, on the moment, be made available. But, after a lapse of years, the facility by which an accusation could be met became narrowed and contracted. If the attack were made at the time when the offence was alleged to have been committed, the accused party could perhaps answer it; though, when a long period had elapsed, it might not be

in his power to do so. Why were these preliminary remarks made? Because he conceived the nature of the case required them, however little their lordships migh be influenced by them. Petitions had been presented to their lordships, calling on them to grant to the Queen something like that which every subject of the realm was entitled to by due course of law. To the wisdom of their lordships it had, however, seemed meet to refuse those several requests. He now demanded of their lordships, respectfully, but in pursuance of his duty, firmly and boldly, if they would pursue the plain and direct course of justice, to extend to the Queen the full advantage which she ought to derive from the delay that had taken place. That advantage consisted in what he would now state: they would expect the evidence to be clear, consistent, and precise. Now, in proportion as this charge had been delayed, their lordships would consider, that by this very delay a difficulty was imposed on the Queen, which, while human nature remained as it was at present constituted, must necessarily exist, namely, that witnesses might have died, and that the recollection of time, place, and circumstance, must, in the course of years, be impaired. If the charge had been preferred about the time when the offence was said to have occurred, it might have admitted of a ready answer, though it might not admit of such an answer now. How, then, was her Majesty to be defended before their lordships?—By their lordships exercising a vigilant control over the prosecuting party, in proportion to the hardships which were visited on the Queen. She was surrounded with difficulties; and, in proportion as those difficulties were great, should their lordships, in hearing her case, be vigilant, indulgent, and forbearing, thinking it enough if a substantial answer were given; for he would boldly say, that to answer the accusation point by point would be a miracle. He would say, that unless the caution

which he had recommended to their lordships were adopted in examining the adverse case, and unless they extended the utmost indulgence to her Majesty, they never could hope to satisfy the judgment of the country. They ought to take special care, if that took place —which God, for the safety of this kingdom, avert !—if her Majesty should be condemned—that it should not be by means, by the operation of which no individual in the history of this country had ever suffered in his life or liberty, in his character or his fortune ! These preliminary remarks were well suited to that temper of mind which he called upon their lordships, not as a matter of favor, but as a matter of right, to exhibit in their examination of the adverse case, and in their preparation for that which would be offered in reply to it by the accused party. In speaking of the whole case, and before he came to examine it in detail, it was impossible not to see, and, seeing, not to admit, that the supposition which had been made by his learned friend, Mr. Brougham, who had, indeed, anticipated the whole of the case, was completely substantiated by a perusal of the evidence—namely, that the whole case on the adverse side was founded and bottomed in perjury. That was a point which, in his view of it, could not be denied. However fearful the conclusion excited in their lordships' minds might be, on finding that distinct perjury had been committed before them, was it entirely new in the history of the judicial proceedings of this country—aye, and of the witnesses of this country too—to find a set of persons giving a series of testimony, relative to minute details and trivial circumstances, of whom it was as clear, at the conclusion of the case, that every one had perjured himself, as it then was that he was speaking at their lordships' bar? Was the present case wholly without a motive to produce the perpetration of similar guilt? Had they never heard in the history of their country of individuals—he would not say having been

got up—but presenting themselves as volunteers for the commission of perjury? Was it an unheard-of circumstance, that low-bred persons should have a disposition to insult and trample upon their superiors who had fallen from power, or who at least were in obloquy with those that were in power? Was it only in ancient Rome that a disposition existed to triumph over the prostrate fortunes of illustrious individuals? Was it only in ancient Rome that the rejected favorite of Cæsar was liable to the taunts and ignominies of the vulgar? Was it only there that the cry was raised—

"Curramus præcipites, et
Dum jacet in ripa, calcemus Cæsaris hostem?"

Were not their lordships aware, that that very enemy of Cæsar, who was thus to be spurned and trampled upon, had been but the previous moment living in the midst of imperial favor? Did not they recollect, that the satirist indignantly asked—

"Quo cecidit sub crimine? quisnam
Delator? quibus indiciis? quo teste?"

Did not they recollect that he added—

"Nil horum: verbosa et grandis epistola venit
A Capreis?"

Or, in other words, that a large and swollen green bag came over from Milan? So that it was not quite unforeseen, that persons might be found, who, either from a love of power, or from a desire to worship the rising sun, or from their own base, and ignoble, and degraded natures might be led to increase the misery of the distressed, and heighten, by calumny, the anguish of the fallen. But was there no other motive, besides those which he had just enumerated, that might be attributed to the witnesses produced against his illustrious client? Was there nothing in their evidence calculated to show that a belief existed—was there nothing in the Milan

Commission itself calculated to excite such belief—among the inhabitants of Italy, that they would not go unrewarded if they came forward with testimony against a princess, who had before been the object of calumny and insult? He begged leave, also, to impress upon the recollection of their lordships, that not only the government of this country, but also the governments of foreign countries, had been concerned in getting up the prosecution against her Majesty. He did not make this assertion upon idle grounds: it had been proved to them in evidence; and, as one instance was much more decisive than a thousand unmeaning generalities, he would refer them to the printed minutes. He would refer them to the evidence of Barbara Kress, in which they would find a brace of ambassadors, and a brace of ministers, engaged in the worthy and reputable purpose of packing up and packing off a whole cargo of those valuable commodities which had been recently landed on the shores of this free country. The names of those ministers were mentioned in the evidence: they were representing, or, he should rather say, that they were misrepresenting, states, which, as they were inferior to England, were in some degree under its control; and yet they did not hesitate to descend to the very honorable, the very dignified, and the very well-concerted plan of getting up witnesses against her Majesty. He felt himself bound to lay these facts before their lordships, and to call their attention to the conduct of the ministers Berstett, Reden, Grimm, and Grilling, as detailed by Kress; for, by so doing, their lordships would see that something very like an undue influence had been exerted, to enforce the attendance of witnesses against her Majesty. There was also another subject which he wished to bring under the notice of their lordships—he meant the manner in which the witnesses for the prosecution had been remunerated. Might he be allowed to ask, whether the cross-examination of the

witnesses had been conducted by her Majesty's counsel with a forgetfulness of that point, or whether allusion had not been made to it so often by them, as almost to have excited the disgust of their lordships? Had they not put questions relative to the manner in which they were to be remunerated to every witness who had been called? and had there been an instance of any witness acknowledging the receipt of money, after the effect of the excessive payments to the captain and mate of the polacre had been discovered? Was not that very circumstance even more condemnatory of the case than the excessive payments which had been made to the other witnesses? There had been no desire on the part of her Majesty to shrink from such an inquiry: her advocates had even courted it, and had been loud and clamorous in their demands for an explanation upon that point. Had that explanation been given by those who conducted the present prosecution? No; it had been carefully and cautiously withheld. Another point, connected with that on which he had been just speaking, deserved the attention of their lordships. They had not, he trusted, forgotten that his learned friend, the Attorney-General, at the conclusion of his case—for, without meaning him any disrespect, he (Mr. Williams) must call it his (the Attorney-General's) case, from the manner in which he had conducted it—had made a singular application for delaying the further proceedings of this bill, on the ground that certain witnesses, who were wanted to prove an act of adultery at Lugano, had not arrived in the country. Singular as that application was, it had been made. A night intervened. In the morning that application was relinquished. The reason was apparent. In ordinary cases such an application could only be sustained by calling the attorney, or some agent to the party, to prove, upon oath, that the evidence of the absent, but expected witnesses, was important to

the case. Had any evidence to that effect been tendered to their lordships? Had Mr. Powell, whose presence in court such circumstances absolutely demanded, been called before their lordships? No; the application had, as he had before stated, died quietly away; the opportunity had been allowed to perish, which had been offered to the adverse party, of proving that it was an unjust accusation against them to say, that they had disbursed large sums in procuring witnesses from Italy, or that they had afforded funds to their foreign commissaries, to their agents in law, to their agents in equity, and to their agents militants—indeed, he knew not by what terms to designate them—to procure men whose consciences were vendible. That opportunity, which they ought to have eagerly embraced, they had wilfully neglected; and the conclusion which he drew from such conduct was, that money had been largely and lavishly expended to get up this prosecution. At that conclusion he had arrived, not upon the testimony of Italian witnesses (of whom, as of the ancient Greek, it might be said, "Græculus esuriens in cœlum jusseris, ibit"), not upon mere surmises, but upon facts which went home to the minds and bosoms of men. The funds of corruption, he must again repeat it, had been afforded, or why had Mr. Powell been withheld from joining in the application made by his learned friend, the Attorney-General? Mr. Williams then proceeded to observe, that he must, at the risk of being thought tedious, make another general remark before he entered into the details of the evidence which had been submitted to their lordships. He did not intend to travel over the ground which his learned friend, Mr. Brougham, had occupied so ably before him, by dwelling on the glaring and flagrant improbability attendant on the circumstances which had been imputed to the Queen. They had heard that familiarities, which had been justly called most disgusting, had taken place between her Majesty

and Bergami; but they had likewise heard that her Majesty had been, if the witnesses were to be credited, most careful and cautious that those familiarities should not occur in solitude or obscurity, but in the light of day and presence of multitudes. That was in itself most improbable, but was rendered still more so by a circumstance which had transpired in the examination of no unwilling witness against her Majesty—he meant De Mont—and of which his learned friend had failed to take any notice. If their lordships would refer to p. 364 of the minutes, they would find this additional fact there stated, that the Queen, during all the time that she was accused of conducting herself with this most extraordinary, most open, and most convenient profligacy (for most convenient it certainly would have been to those who meditated this bill), thought and believed herself to be surrounded by spies and enemies. What! was it to be believed that a princess, who had not forgotten the persecution which she had endured in the year 1806—who was not ignorant of the attention with which her actions were contemplated in this country—who did not suppose herself to be in any favor with those who were in power in it—was it to be believed that she would, in the presence of a crew of twenty-two persons, not only render herself open to the accusations, but even surrender herself at discretion to the malice of her enemies? There was another instance from the evidence, which he wished to place before their lordships, now that he was discussing the improbability of the charges. Their lordships would bear in mind what was stated to have occurred at Naples, which had been made the scene of the early as well as the more mature charges: they would bear in mind that Majocchi stated himself to have slept in an apartment between the room of the Princess and the room of Bergami; and that he had been stationed there by Bergami himself, in consequence of Bergami's illness; they would likewise bear

in mind that there was a light and a fire in that room, that there was no regular bed in it, and that the repose which Majocchi was to take—if, indeed, he who was stationed there over a sick man was to take any—was to be upon a sofa. Now that they were on the subject of probabilities, he would ask their lordships what they would say to this statement? He was well aware that Majocchi had previously stated that one access to Bergami's room was through that room in which he himself was stationed; but, in his earlier evidence, his statement was such as would incline any person to believe that it was the only access. At the bottom of page 5, he was asked, "Then it is to be understood there was between the bedroom of the Princess and the bedroom of Bergami nothing but that corridor and that small cabinet?" And he fearlessly answered, "There was nothing else; one was obliged to pass through the coridor, from the coridor to the cabinet, and from the cabinet into the room of Bergami—there was nothing else." He was then asked, "Did any person sleep in that cabinet in general?" His reply was, "There was no person who slept in that cabinet—it was free—there was nobody sleeping in it." The next question was, "Did the other people of the suite sleep in that part of the house, or at a distance?" His answer was, "They were separated." But how well that answer tallied with another part of his evidence, their lordships would see directly; at present it was his object to show their lordships, that, so far from the passage through that cabinet being the only means of access to Bergami's chamber, there was another access, by another part of the house, communicating with the Princess's room, in going through which she would not have had to encounter any watchman, or any person in attendance on the sick. At the bottom of page 38, and at the top of page 39, their lordships would find the following testimony:—

"Will you swear that there was no other passage than that through the corridor?—I cannot swear; I have seen no other than this, and I cannot say that there was any other but this.

"Will you swear that there was no other way by which any person going into Bergami's room, could go, except by passing through the cabinet?—I cannot swear there is another—I have seen but that. There might have been, but I have not seen any, and I cannot assert but that alone."

"Will you swear, that if a person wished to go from the Princess's room to Bergami's room, he or she could not go any other way than through the cabinet in which you slept?—There was another passage to go into the room of Bergami.

"Without passing through the cabinet in which you slept?—Yes."

From this it was evident that there was another way to Bergami's room, than through the cabinet in which Majocchi slept; and, therefore, unless her Majesty wished to give a distinct notice to a person to watch her conduct—who, from the very occasion, was likely to watch it—he defied the ingenuity of man to find any reason, consistent with common sense, or with human nature, which could have induced her to adopt a passage which could lead to nothing but her own exposure, and not go by another, through which she might have equally well indulged the guilty passion which was imputed to her, and, what was still more important, might have indulged it unobserved. Their lordships all knew the advantage that a party possessed who had "*confidentem reum;*" but if the witnesses for the present case were to be credited, the advocates for the bill had a still greater advantage—they had a defendant absolutely seeking her own conviction. If they could reconcile such an idea with what they knew of human nature, then Majocchi's evidence might well stand—then, in

spite of all its contradictions, it might be credited. But if they applied to it those tests which would be applied by the judge in any common cases—for the jury were the judges—if they submitted it to the ordinary criterion to which evidence was submitted, then they would reject it as improbable, and would confess that it was impossible to believe it. Indeed, it was his opinion, that, making the consideration of the probability of the story a subsidiary and auxiliary consideration to the inquiry into its truth or falsehood, there was sufficient in that story of the cabinet to convince every individual of Majocchi's perjury. Leaving that matter, however, to the reflection of their lordships, he should next advert to Majocchi's assertion, that the rest of the family slept at a distance, which, by-the-bye, was in this case no different matter. For, what had been all the object of the proof?—what had been all the labor of his learned friend the Solicitor-General's summing up, except to prove that, from Naples to Messina, from Messina to the Ville d'Este, and from the Ville d'Este to almost every quarter of Italy, every opportunity had been industriously courted, for the purpose of committing the crime imputed to her Majesty. He therefore wished to show their lordships how Majocchi had been borne out in this assertion in his cross-examination. The original examination would be found at page 5 of the printed minutes—the cross-examination at page 76.—"You have said, that, in the house at Naples, the rest of the suit of her Royal Highness, except Bergami, slept in another part of the house from her Royal Highness." The answer was, "I do not remember whether the other part of the family slept separate or distant." Indeed! How then was it that at page 5 he had sworn, with the most unblushing effrontery, in answer to the same question, that they slept separate? It would be a mere waste of time to make any comment upon such a palpable contradiction; it was impossible to consider it as anything else but a

wicked, wilful, and malignant perversion of the truth. He would now call the attention of their lordships to the mode of examination which had been pursued during this inquiry. If it had been accidental, he could not help but lament it; but it was a very singular coincidence, that everything which could injure the Queen had transpired, whilst everything that could benefit her had been withheld. If this was the effect of accident, it was a peculiar but unfortunate throw of the dice for his illustrious client. He would refer them to page 301 of the printed minutes, where the Queen's going to bed was the matter of inquiry; and, as it was imputed to her, at Charnitz,

"Quæ regio in terris nostri non plena laboris,"

that an adulterous intercourse, or, in other words, adultery, had been there committed, it was requisite to observe the manner in which that circumstance was stated. The following was an extract from the minutes:—

"Who went to bed in that room besides her Royal Highness? did anybody?—Myself.

"At what time did you go to bed?—Nearly ten o'clock.

"At what time did her Royal Highness go to bed? At the same hour.

"In the same room?—In the same room."

There the evidence rested: it placed her Majesty in bed, in the ordinary phrase and without further interpretation; but, in reality, the Queen had, at that time, no more gone to bed than he (Mr. Williams) was at the present moment. He should now just beg to refer their lordships to page 324 of the printed evidence, where the witness answered a question from somebody respecting the statement of the Princess being undressed. The following were the questions and answers in De Mont's evidence:—

"Had the Princess undressed?—I do not recollect; she was in bed, but I do not recollect whether she was undressed.

"Do you remember the dress that the Princess was in the habit of wearing at the time?—Yes.

"Was it not a blue habit trimmed with fur round close up to the neck, with a great deal of fur about it? —Yes, there was a great deal of fur here (about the bosom). It was a blue dress."

This sort of dress, the evidence showed, was rendered necessary by the frosty state of the weather at the period spoken of. The witness then went on to state that she did not recollect having seen the Princess throw off the fur dress in the course of the day. A great deal would, in the after-part of the case, depend upon this circumstance, and would show to the world that this was a triumphant case for her Majesty the Queen. Was it, he asked, dealing fairly towards the Queen, to put some questions to a witness, which left a matter to be caught by inference in a most injurious way, of which there was no proof, or semblance of proof, by direct fact? He should be fatiguing their lordships, were he to adduce the almost numberless instances, throughout the evidence, in which much was disingenuously left for inference, which could not be substantiated by even a shadow of proof. He entreated their indulgence while he adverted to other parts of the printed evidence to show the frequent attempts to create an unfavorable impression by this sort of inference. After describing the state of the tent, the witness (De Mont) went on thus:—She was asked—

"Did you go to the tent for the purpose of assisting in undressing her Royal Highness?—Yes.

"Was she undressed as usual?—Yes."

She then describes that she left the Princess undressed; but he entreated their lordships to refer to what she says at the bottom of page 320, and the beginning of page 321. It is as follows, and came out on her cross-examination:—

"You have described stopping at Aum?—Yes.

"Do you, or do you not, mean to say that you undressed the Princess at Aum?—I recollect I was under the tent of the Princess, but I do not recollect whether I undressed her or not.

"Do you mean to say that the Princess was undressed under the tent at Aum?—She had pulled off her upper habiliments.

"Do you mean by that the dress in which she had been riding, travelling?—Yes, a gown, or robe, which was open.

"Do you mean more than the outer garment, of whatever description?—I do not recollect if it was any thing more."

Thus proceeded the scheming chambermaid, with one story at one time, and a different one at another, though she had been long prepared for her statement; for she had been examined at Milan, examined also in England, before she was brought to their lordships' bar; sworn also in these private examinations—a thing never heard of before in a civil or criminal court of this country; or if heard of, only heard to be reprobated. He was therefore justified in saying, that instead of its being left open to inference that the Princess was undressed in the tent, he had it from the mouth of De Mont herself, that she only took off her riding-dress, and threw on a night-robe over the ordinary dress she wore beneath the travelling cloak. He repeated, was it quite fair then, either to the Queen or their lordships, to have made such groundless insinuations? If time had had in this case its usual operation, and that the parties had either forgot all recollection of the particular events, or that the witnesses who could prove it had fallen off in the incidents of human life, then the Queen might have fallen a sacrifice to a foul conspiracy, for she would have been without the means of a successful defence. He implored their lordships, then—he demanded of them, if they would excuse the phrase in behalf of his Royal

Mistress—to look closely at the texture of the evidence produced at their bar. Why did De Mont, he would ask, conceal this when the questions were first put to her? Was it to avoid being caught and detected in that odious monosyllable, which he would here, for the sake of delicacy, merely call in a borrowed phrase of her own, a *double entendre?* It was very singular, too, that the questions should have been, on the part of the prosecution, so as to create all the inferences, which, by a strange coincidence, should have an injurious tendency against the Queen. He should not attribute motives; he disliked harshness; but he thought the coincidence to which he alluded was extremely singular throughout this case. In page 253 of the evidence, he found the matter again alluded to in a similar manner, where De Mont described the circumstance of the Queen's changing her dress to represent the Genius of History, at the grand masquerade at Murat's court. The following were the questions and answers to which he now referred:—

"What dress did she assume the second time?—The Genius of History.

"Did she change her dress entirely for that purpose? did you assist her in changing her dress?—I did not."

And though she, by this answer, admits that she did not; and afterwards says, she did not enter the room at the time; yet she had still the pertinacity to speak of an entire change of dress, though the Queen might merely, as on the other occasion, have changed her outside robe, and put on another, more in unison with the second character she meant to assume. This was the part of the subject which was colored up so highly by the learned counsel for the bill—this was the part of the case on which so much stress was laid, and wrought up not only with all the ingenuity of an advocate, but something of the imagination of a poet. He would take one or two instances more of the fertility

of invention used on the part of the prosecution. Let them look at what was said by Majocchi—a name not to be forgotten while the name of England or its language should endure. Which of their lordships ever learned, from the questions put to Majocchi in his examination in chief, that the shores of England had ever been honored by the witness before he was brought over to be presented at their lordships' bar? Which of them ever thought Majocchi had been at Gloucester, had been in London, had been about in stage-coaches, here, and there, and elsewhere? This information, which must have been known to the prosecutors, was entirely kept from their lordships and the Queen, until it reached her Majesty's counsel after the regular examination of Majocchi had been gone through, owing to the most accidental circumstances. Were it not for this accidental information, Majocchi would have passed away unheeded, as one of the new importation, for whose use the adjoining place had been so appropriately fitted up. Had it been earlier known that Majocchi was in England, inquiries could have been made which would have thrown a light upon his character and testimony. Majocchi had, by this concealment, all the advantage of appearing at the bar as dull as a post, while the questions were putting through the medium of an interpreter, and all the opportunities, while that was doing, of pondering upon and collecting his answers. Of this comfortable delay, no doubt, he had amply availed himself. Care was also taken, in the case of the captain, to conceal the fact that he had still some unsettled claim upon Bergami, founded on expectations held out to him for the conveyance of the royal passenger. This had been well omitted at first by the captain, who, when he should return to his country, would no doubt find himself loaded with honors, and the admiration of his fellow-countrymen, for the remuneration he should have acquired by his trip, and

which greatly exceeded the earnings of a long portion of life, if devoted to his ordinary pursuits. The information respecting the unsettled claim of Bergami fell out, or rather tumbled out, by accident in the progress of his evidence. The odds were surely extremely high that such omissions were not so repeatedly accidental. The learned counsel then proceeded to comment upon the summing up of the Solicitor-General, and particularly upon that part of it in which he stated that the courier (Bergami) was present while her Majesty changed "the entire of her dress"—a statement utterly unwarranted by the evidence upon which his learned friend was then commenting. Besides assuming the "entire change of dress," he also assumed that it took place in a bedroom, of which there was no attempt at proof in evidence. In fact, in one sentence of that summing up, there would be found gratuitous assertion, unfounded assumption, and misstatement of facts. It was perfectly clear these misstatements and false inferences were introduced for the purpose of prejudicing their lordships' minds, and attempting to create an undue and unwarrantable impression against the Queen. He was perfectly willing to believe that his learned friends acted upon the instructions they received, and that the concealment of the facts lay with the witnesses. On the subject of the dress, their lordships would recollect how closely he had questioned the witness: he entreated their lordships to bear in mind her answers, and the subsequent light she threw upon her first statements. He asked this of their lordships, in the well-grounded expectation that, as they were not indulgent at first, they would be vigilant at last. He had elicited the explanation respecting the dress, on which so much had been said, because he did not believe that at the Neapolitan court, attended as it was by the nobility of the country, any such indecent dress could have been displayed. The

evidence left his learned friend's description of that dress utterly unsupported, as it did his other statement of the Queen's having been hissed out of the theatre at San Carlos. Why, he repeated, were such statements made to reflect upon the character of her Majesty, when not a single syllable of evidence could be adduced to support them? One assertion by the Attorney-General was, that the Queen had been hissed by the audience out of the Theatre San Carlos; but had this injurious imputation received any support from the evidence? Was it not clear, on the contrary, that De Mont had deceived the learned counsel—had imposed upon them by a story which she had not afterwards the effrontery to maintain at the bar? The presumption of British justice had hitherto been, that a person should be considered innocent until proved to be guilty; and if ever a case had arisen where it ought to prevail, by every sense of duty, by every feeling of delicacy, by every impulse of humanity, it ought to prevail in this. It could not be impressed too deeply, nor meditated upon too intently, by their lordships. One of the strangest incidents in the whole proceeding, had been the rare and curious composition of the memory of Majocchi; it was a most singular, nay, an unnatural, an impossible memory—it was all on one side of the question—it was a perfect blank to everything in favor of the Queen, and crowded with inventions and falsehoods to destroy her innocence. He begged the House to bear in mind the instances adduced by his learned friend; for it was as manifest as that the sun had not yet set, that a witness might commit perjury in a negative shape, in the same way that an injury might be done by omission, as her Majesty had more than once experienced. In page 6 of the evidence, Majocchi, with a degree of condescension to which he was often prone, when he spoke of the sickness of Bergami, when the Queen visited his bedroom, mentioned the name of Dr. Holland, as hav-

ing been present: but when Mr. Brougham was endeavoring, in the cross-examination, to explain that visit in the most innocent way, by showing that Bergami was too ill to allow the possibility of guilt, then this adroit and accomplished witness, Signor *Nonmi-Ricordo*, with a memory so accommodated to circumstances, could not recollect that he had ever seen any medical man at all with Bergami. He now came to some circumstances connected with the evidence of Mademoiselle De Monte, who was also, in some respects, a signal instance of impartiality of memory. Before, however, he proceeded, he begged to put it to their lordships, whether they believed there was a word of truth in the ingenious, elaborate, composite explanation of this lady, of what she had once deliberately written. When cross-examined on the first day, when her attention was called to her letters, she had never dreamed of mentioning any thing like a *double entendre*: the day passed away, and no explanation passed her lips. On the following morning, however, she thought she could mend her story; she had slept upon the matter; and, above all, within the circuit of less than an hundred miles from the House of Lords—for he would not assert that it was within the walls—she had had a conference with some person that was of most material importance in doing away the force of the expressions in her correspondence. Whether that conference had lasted for two hours or for five was of no consequence: the result of it was, a regular explanation, as systematic as any of the orations of Cicero; it was formed on a classical model, like the speeches of the Attorney-General, who was perhaps the only man of the present day who could be at all compared with the orators of old. De Mont's explanation had a beginning, a middle, and an end, and the whole was the effect of that interview and rehearsal which she had afterwards acknowledged, but at first denied, in-

sisting that, after the examination of the preceding day, she had gone home directly; which, neither in French, Italian, nor English, in Greek, Latin, nor Hebrew, could mean anything but that she returned without delay. After all this preparation and study—after consulting the prosecutors, and her pillow—was her explanation in any respect satisfactory? He would venture upon this general assertion, that it had not the shadow of a shade of sense in it—that there was not the slightest pretence for it in the letters, which were in themselves perfectly intelligible, and, with her gloss, perfect obscurity. It would be to trifle with the time of the House, almost as grossly as she had trifled with her oath, to use any arguments to show its absurdity. The author of some future comedy would here possess a fine original, upon which to draw the character of an intriguing, shuffling, lying, artful chambermaid. He put to their lordships, whether it was not insulting common sense to pretend that, by the expression of "the capital of Europe," in one of her letters, she meant that obscure spot which had given her birth, and to which it were to be devoutly wished that it had pleased God to confine her. At least she was desirous that it should be left doubtful whether, by "the capital of Europe," she meant London or Colombier: *neque rationem, neque modum habet ullum;* the thing was wholly incredible, and it would only be *rationem insanire*, as the comedian expressed it, to waste words upon its refutation. He adduced these as specimens only; he left the great mass to their lordships, who, no doubt would examine the whole evidence with more patience and industry than he had done, because they had more high and important duties to discharge, than those by whose weight he, as an advocate only, was oppressed. They would find that, on page 377 of the evidence, De Mont was trying her hand, in one of her letters to her sister, at a panegyric; and she chose as her subject her gracious and il-

lustrious mistress, the Queen. "How often (she said) in a numerous circle, whilst, with all the enthusiasm which animated me, I enumerated her great qualities, her talents, her mildness, her patience, her charity—in short, all the perfections which she possesses in so eminent a degree; how often, I say, have I not seen my hearers affected, and heard them exclaim how unjust is the world to cause so much uneasiness to one who deserves it so little, and who is so worthy of being happy." He asked their lordships again, whether they believed all this to be but the fraudulent cover for malignant hate? Did it mean what it expressed, or anything else? Was it at all improbable that the writer should be sincere? Was the object of her eulogy undeserving of it? Was she the only person who entertained this opinion? Had no one else said as much, or nearly as much, of the same illustrious female? He thought that he had heard something very like it before, and that from no mean authority—from a man of an elegant classical taste—who was celebrated for his spoken and written compositions—who was gifted with a knowledge of ancient and modern languages. He had pronounced, on an occasion of no little solemnity, that the Queen was "the grace, the life, and the ornament of the society in which she moved. Was this testimony to be taken in favor of her Majesty, or was it also, like the panegyric of De Mont, to be looked upon as a cover for malignity, and a *double entendre*, which explanation only served to render more profoundly obscure? If, then, the Queen was worthy of this labored panegyric from so accomplished a source, surely the House would not consider her undeserving of the inferior encomium of a Swiss chambermaid. But he (Mr. Williams) would do De Mont justice against herself: he would assert that she belied her better knowledge, and her better nature, when she attempted to give any other sense to her letters than the obvious and clear import of

the language she employed. For aught he knew, if it were necessary, he might bring to their lordships' bar the distinguished individual to whom he had alluded, who had publicly declared his opinion of the excellence of her Majesty, to repeat in testimony the tribute of admiration he had so justly bestowed. He would now claim the attention of their lordships to a declaration made by the learned counsel on the other side, and to which he had listened with much satisfaction, and with perfect concurrence: it was this—"that every part of the evidence that might be deemed material, without regard to its influence or impression, should be brought forward; for it was the duty of the counsel in support of the bill fairly and candidly to present to the House the whole case, without considering themselves, as it were, the advocates of a party in a suit." Nothing could be more proper than such a declaration: if they had acted up to it, the Queen would have had nothing to ask; it was the whole of her case. "We undertake (said they) to bring before your lordships all the evidence the case affords, not of a condemnatory nature only, but the whole evidence, whatever be its import or effect, whether it be for or against the Queen of England." Such was the engagement into which they had entered, and with infinite pleasure he had treasured up these proverbial words of wisdom and liberality. It was, in fact, not a dispute between adverse parties; it was a solemn proceeding, not to gain a victory or some petty triumph, but to arrive at truth, the whole truth, by means of the evidence, and the whole evidence. It was, therefore, with infinite regret, and signal dismay and astonishment, that he had afterwards heard the Solicitor-General, in his summing up, make no less than four distinct challenges to the Queen's counsel, in the same way as if it had been a mere *nisi prius* case for the recovery of 5*l.* for goods sold and delivered. He had dared them to produce Louis Bergami, Bartolomeo Ber-

gami, Brunette, and another witness. He mentioned this to show the gross contradiction between the principles and the practice of the other side—between their high sounding professions and their conduct. Where were now those words of wisdom and liberality in which the people of England were assured that the whole case should be fully, fairly, freely, and fearlessly investigated. They were mere words, answering a temporary purpose, but never intended to be carried into effect. Had the Attorney-General taken one step to perform what he had promised? Where was Dr. Holland? Where was Lieut. Hownam? Where were the noble ladies attendant upon the Queen? Had any of those competent and credible witnesses been adduced? No: but *dum tacent lo quuntur*—their absence was as useful to her Majesty as if they had been brought to the bar; the other side had not dared to call them, which showed what must have been the import of their testimony to the vindication of the Queen, and the condemnation of her accusers. This sort of challenge had been imported into this great inquiry from civil causes, where it was often pressed too far; but in all criminal proceedings, even in our lower courts, the party bringing the charge was bound to establish it by sufficient evidence; and, if he failed, the accused was not bound to supply the deficiency, or to establish his innocence, in the absence of all proof of guilt. He did not say, in the history of English justice, but in the history of English injustice (for such it would be), who had ever heard of an unfortunate accused being met by being told, "If you do not call this or that witness, whom the prosecutor had it in his power to bring forward, we shall consider that you acknowledge the justice of the charge?" The case ought never to be left doubtful, or, if it were, the prisoner had a right to the benefit of that doubt. If he (Mr. Williams), in the course of his professional duty, indicted a man for murder, and purposely kept back

from the jury a witness, because he might possibly say something to lead to the acquittal of the wretched being, he should consider that he, as a counsel, was a party to that man's death, when he was hanged for the crime. But this was not even a case of that description: it was far more important than a question even of life or death; and legal manœuvres, and the dexterity of practised advocates, were wholly out of their place; they were unbecoming both the subject and the situation. He was earnest upon this point, because he felt earnestly: he felt here not merely for the interest of his illustrious client, whose character, honor, and dignity were at stake, but for the country itself, whose tranquillity and happiness were not less in jeopardy. He called upon their lordships, therefore, to weigh the matter well, and to deliberate anxiously and carefully, before they allowed this challenge to operate against the Queen. "I defy my learned friends (said the Solicitor-General) to call Louis Bergami." What did he mean by this, but that, if the call were not complied with he should obtain the verdict—he should gain his point; and what was that point which was thus treated as a question regarding a farthing damages? It was no less than the passing of this dreadful measure; the accomplishment of one of the most terrible mischiefs by which the country could be afflicted. What, however, was Louis Bergami to prove, when he was produced? how was he implicated? In no other way than that Majocchi, speaking of a breakfast at which the Queen and Bergami were seated at the same time, swore that either Louis Bergami or Camera waited upon them on the occasion. So that even the presence of Louis Bergami was not vouched, and the Solicitor-General had gone beyond the manœuvre, the artifice, the legerdemain, the dexterity, the trickery of an advocate in the pettiest cause that ever degraded the meanest court of justice in the kingdom. Next he said, in the same spirit, "I defy

you to call Bartolomeo Bergami;" but here again it was *telum imbelle sinc ictu:* there was all the will to wound, but the blow was impotent and harmless; for, suppose this person were produced at the bar, did not the experience in the world of every man show, that, supposing the crime of Bergami more or less, his answers at the bar upon this subject must necessarily be of one description only. Such an attempt on the part of the Solicitor-General, in a case of this kind, was a shameless prostitution (without offence be it spoken) of a low, contemptible trick of courts, unworthy of the wisdom and of the great political and legislative character of the House of Lords. This was not a trial at *Nisi Prius*, it was a Bill of Pains and Penalties—a measure which Lord Chancellor Cooper had declared, in his celebrated protest, ought never to be resorted to but in cases of the last necessity; and for this reason he (Mr. Williams) asserted, that the analogies of common law proceedings had been shamelessly introduced. The charge against the Queen was of no distinct crime known to the law, and the law, therefore, had affixed to it no specified punishment: to talk of analogies was therefore ridiculous; and the House, in its political and legislative capacities, both of which were here to be exercised, ought not to be guided, much less governed, by any low technicalities. He hoped, then, he should hear no more of analogies, which were only talked of whenever they tended to abridge the rights and injure the cause of her Majesty. Protesting, to the utmost of his power, as zealously as his honorable friend, that the non-production of these witnesses on the other side was a clamorous evidence in favor of the Queen, nevertheless there were high interests at stake, which rendered it necessary that they should be called. Witnesses their lordships would have—the challenge would be met; but, with respect to what would be proved, he begged, in what he should now state, to be distinctly under-

stood. On the other side, three years' application had been devoted to the case; equitable, legal, and military commissions had been sent out; examinations upon oath, and without oath, had been taken. Witnesses had been interrogated in Italy, on the road, and in this country; so that every letter and figure of what they could depose had been distinctly ascertained. The Queen had possessed no such advantage.

The *Earl of Lauderdale* here interposed, and observing, that it was now four o'clock, and that the learned counsel was entering upon a new branch of his subject, he recommended that the House should adjourn until to-morrow.

Adjourned at four o'clock.

OCTOBER 6.

Mr. Williams resumed his address. In the course, he observed, of his learned friend's luminous speech, there certainly was not any point on which he had exerted his talents with greater effect, or on which he (Mr. Williams) was more justified in addressing so many observations to their lordships, than on that part of the case which consisted in the counsel on the other side having been deficient in calling all the witnesses that might naturally have been expected; while, on the other hand, the counsel on the part of the Queen were, in consequence of the difficulties that were opposed to the production of evidence for her Majesty, driven almost to the necessity of not calling any witnesses at all. That observation would receive the strongest confirmation, when he laid before their lordships the peculiar difficulties under which her Majesty was placed. As he had stated yesterday, that observations pointed to, and founded on, particular facts, led to more decisive conclusions, and had greater weight than mere narrative

matter, he hoped their lordships would permit him to commence by stating to their lordships one or two facts illustrative of the various difficulties by which her Majesty was surrounded. Their lordships would doubtless bear in mind what was attempted to be proved by a woman of the name of Kress. Her evidence, which had already been alluded to, was not material for his purpose, on this occasion, farther than to call to their lordships' recollection that the general nature of the fact, so proved by this woman, was her seeing the Queen and Bergami in a bedroom together, connected with some details about the situation of Bergami's arms. Now nothing was more necessary, however late her Majesty was apprised of the specific charge against her, than that every inquiry should be made for the purpose of repelling it, and that the utmost diligence should be used to obtain information with respect to her residence at Carlsrhue; and, amongst others, it appeared, that there was a Chamberlain of the Grand Duke of Baden, who had been in attendance on her Majesty during her continuance at Carlsrhue. Now, to show that in all probability this individual would be an important witness—and that, but for some extraordinary circumstance, which he could not account for, he would have been present on this occasion—would, he conceived, be a superfluous waste of time on his part. This individual did not attend on her Majesty once or twice, but attended her constantly during the whole of her residence at this place. Accordingly, feeling the importance of his evidence, and being desirous, as far as possible, to be armed and prepared to meet the case set up against her, the Queen wrote a letter with her own hand, which her Majesty sent by a special messenger to the Chamberlain. The messenger she employed was more than ordinarily respectable. In order to impress the Chamberlain's mind with an idea of the respectful light in which she viewed his character, her

Majesty selected the brother of his learned friend, Mr. Brougham, to be the bearer of her letter. That application did not, however, procure the attendance of the witness. The Queen then wrote a letter to the Chamberlain, and another to the Grand Duke, on the subject, but with no better success. Three letters, therefore, were sent by a special messenger, to this particular person, a most material witness on the part of the Queen, which, however, failed to produce his attendance. On the last occasion, the messenger sent by the Queen, to obtain the attendance of the Chamberlain, was informed by him that he was willing and desirous to come to England; he expresssd himself eager and anxious to give his testimony; but he added, with tears in his eyes, that he had orders from the Grand Duke not to do so; and the consequence was that he did not arrive in this country. There was, however, another instance of interference, but of a different description, at this place. It was a circumstance fresh in their lordships' recollection, that this refusal to suffer a witness to come over in favor of the Queen, came from the very same quarter which employed the agency of two ministers, and two ambassadors, to compel the woman Kress to come to England. Thus, as he had said respecting the memory of the first witness, the operations for procuring evidence appeared to run all one way. Again, her Majesty saw a palace at Zastrow, which she wished to occupy. No objection was made by the Grand Duke at the time, but, on the contrary, to such a point had the negotiation arrived, that the very same Chamberlain of whom he had already spoken, and who, if called, might have proved the fact, had gone the length of purchasing furniture to equip this palace. When the affair was in this state of forwardness, a notification was given to the Queen that the residence of her Majesty would not, perhaps, be agreeable to this court; and, on that account, the pal-

ace was refused. A fact of so important a nature ought never to be lost sight of, when they heard complaints made that her Majesty did not take up her residence amidst polished society—that she did not associate with people of her own rank—that she was not seen moving in a circle of her natural friends—that she did not frequent those places where she might be expected. Surely treatment such as this was calculated to drive her out of society. He now came to another point. It was not an immaterial fact in our view, and indeed in every view of the case, that some information should be given, some evidence produced, as to the conduct and character of Bergami while the servant of General Pino—that being, on their lordships' minutes, the service in which he was, prior to his becoming one of the suite of her Majesty. An application was, therefore, early made for the attendance of General Pino. Some communication was made on the subject to the Austrian government, in whose service he was ; and, in consequence of that communication, an intimation was given to him, that if he came to England, he must not appear in uniform. This seemed to him an odd sort of intimation ; and lest there might be some mental reservation behind, be inquired, whether, if he came to England, he would lose his commission ? To this no answer was given : the General had not come to England, and, he might add, that he would not come. Now had they not a right to complain, that all the evidence on both sides (for both the parties, as the Attorney-General had wisely stated, when he opened the case, would be produced) was not forthcoming ? Was it without a cause that her Majesty's counsel represented to their lordships that a rigorous demand was made for every witness that could be produced on the other side, while the greatest difficulties were thrown in the way of her Majesty, when she endeavored to obtain evidence. Did not those plain facts come powerfully in aid of those general observa-

tions that had been made on the manner in which the case before their lordships was got up? Did they not furnish a powerful argument in support of the accused party? He trusted their lordships would be of that opinion. But the matter did not rest merely on these particular points. There were other persons who refused to come. There were some physicians, and, he understood, some lawyers (he dared say there were enough of the latter, to mind the things that were, extremely well) who would not come to this country; persons whose appearance they wanted, but with respect to whom it was impossible for her Majesty's counsel to tell, till they came here, whether they would make use of their evidence or not: they, however, were prevented from attending, by the interference of either high or low alliances. He thought it necessary, though out of his intended course, to commence with this statement, in order to make it auxiliary to the triumphant address of his learned friend, and instrumental to the support of that argument (if, indeed, any argument remained after that most eloquent and most able speech to which he had alluded) which, at the expense of their lordships' patience, he felt it necessary to lay before them. Before he came to make a few observations, in the shape of an appendix to the case, in its more extensive features, he hoped their lordships would indulge him while he made one or two general remarks on the case for the defendant. If, as was the adverse supposition, the present was a case of open, undisguised, notorious guilt—and, because open, undisguised, and notorious, derogatory to the dignity of the crown, the government, and the kingdom itself—if this were the fact, he would ask how it were possible that it should remain so long without being proved. It was admitted that things were susceptible of short and easy proof, on account of their notoriety. If a man assassinated another at mid-day, in Charing-cross, the probabilities, he thought, were, that

he would speedily be brought to justice. It was the commission of the act at night, and in secret, that rendered it the subject of long and laborious inquiry. How did it happen, if, as the preamble of the bill assumed, this was a case of notorious publicity, that the adverse party should be driven to make use of such witnesses as they had produced—witnesses certainly of the most willing description, though some of them declared they had not been paid, and others asserted that they expected nothing? Why had they recourse to individuals, some of whom were only skilled in the topography of bedrooms, whilst others were in the habit of peeping through crannies, or apocryphal and doubtfully-existing keyholes? Of this description was the witness from Trieste, who, he was disposed to think, from his appearance, and from what he had stated, had been for a season from the visitation of justice, in order that he might be ready to give evidence here, and with his talents to support the prosecution. He hoped, however, that he would meet his reward—and he certainly would if a legal proceeding for perjury could have that effect. If, as had been assumed, this was an open, an undisguised case of adultery, whence was it, he begged to know, that, with the exception of the single instance spoken of by De Mont, in that ever-memorable appendix to her testimony—the third edition, with various corrections and emendations—whence was it, that, with this single exception, not a syllable had been brought before their lordships of that species of evidence (he alluded to the state of the bed-linen) which, in nine instances out of ten, was obtained in cases of criminal conversation? In fact, such proof was not only generally given, but it was seldom or never omitted. How was it that the whole of this sort of proof, with the exception to which he had alluded, had been excluded from the case? This was a very important feature in cases of this kind—it was a point that was always much relied

on—it was constantly urged for the conviction of the accused party. If evidence of such a nature existed, it would doubtless have been brought forward, in order to convict the Queen; but there was an almost total silence on that part of the case. This was the more extraordinary, as the adverse parties were in the possession of a witness, who was in the service of the Queen for the first two months of this supposed perverse and profligate connection, and who must therefore have had the best opportunity of giving evidence on this point, if any foundation existed for it. The individual, Ann Seising, to whom he alluded, was present during the very heyday of this passion, when it was more likely to show itself with violence than at a later period; for it was a maxim, that, when the mind of a female took a direction similar to that imputed to the Queen, it manifested more violently at an early period than afterwards. But not only was no such proof afforded by Ann Seising, but strange to say, she was not even called. There was no difficulty in procuring her testimony; she was in this country; she was placed in Cotton-garden—that garden of innocence—which, as the Attorney-General had stated, was not only exempt from crime, but was so holy a sanctuary, that even the inoculation of crime could not possibly take place there. There she was; she had been placed in the ranks at Cotton-garden; and, if the counsel on the other side had thought fit, they might have examined her;—but they did not, they dared not, call her. Whence, he would ask again—whence proceeded all this delay? Why was it, he begged their lordships to consider, that, in a case which bore an immediate analogy to high treason—which, in one point of view, according to the highest authority in the law, was high treason—and which was stated by all to be high treason, if it had not been for the accident of the country of one of the parties implicated;—why, in such a case, was there so long a delay in bringing for-

ward those charges? Why was a time suffered to elapse, which, if it had been a case of high treason, would have formed the ground of instant acquittal? For, by the statute of William, as all their lordships knew, if, in a case of high treason, three years were allowed to elapse, the provisions of that statute interposed, and a prosecution of that description would be prevented. Why, then, he repeated, if those facts really existed, were they allowed to slumber so long? Was it not a daily remark, that it was a fair matter of imputation against any proof, if that proof had been allowed to sleep for any considerable time? Could it be pretended, could it be said (and he wished to touch this part of the subject as tenderly as possible), that it was immaterial to this nation, that to the morals of the nation it was a matter of no moment what the consort of the First Magistrate of the State was doing abroad? It was true, she had no active power—but she was the representative of the Royal Court—she was the consort of the then executive First Magistrate of this realm. During the whole of these last three years, which had been untouched by the evidence, could it be pretended that it was immaterial to the honor and dignity of the country to know what had been done, or what was doing by the consort of the eminent and illustrious individual who, at the time, was all but seated on the throne; and who, though he did not wear the crown, performed all the functions of royalty? Where, then, was the excuse for delaying the production of proof? Would it not be by-and-by surmised—if it were not already abundantly surmised—that it was not what had been done in Italy by the Queen that caused this prosecution, but that it was her coming to England, which gave rise to the charges contained in the preamble of the bill; and that it would be well, if, instead of that somewhat tedious and verbose description of those proceedings, which were supposed to be derogatory to the honor of the

crown and the interests of the country, the preamble of the bill had run thus: "Whereas, it has pleased her Majesty to come to England: be it therefore enacted," etc. He was not much in the habit of drawing up preambles of this nature; and therefore his learned friend, who had more experience in matters of that kind than he had, would excuse him if his language were not sufficiently formal and technical. If there were no good reason in law, in sense, or in propriety, for withholding this charge for a period of three years, while the matter of accusation existed—when persons had been sent abroad to watch the Queen's conduct—when Baron Ompteda was at Rome, ambassador from Hanover, for the first time; if under these circumstances, all the points of crimination were known, but not inquired into, he submitted that it must operate powerfully in favor of that case of which he was the humble advocate. The single fact, that, with a knowledge of all the alleged criminality, the charge had slept for three long years, must make a deep impression on every unbiassed mind. It was for the opposite party to explain the cause of this delay—it was not for the accused to account for it; and if there were good grounds for that surmise to which he had just alluded, if the conduct pursued by the opposite party were not mere matter of suspicion, but of well-grounded opinion—it went mainly to shake the evidence adduced before their lordships. He had already mentioned the single exception that was contained in the evidence on the subject of stains. That exception was to be found in the testimony of De Mont. Since yesterday, he felt more particularly that he ought to make some remarks on this point, and he had prepared himself for that purpose. He must, therefore, trouble their lordships with part of the examination of the witness De Mont, that they might see how she improved gradually in her evidence. Their lordships would find, at the

bottom of the page 250, the following questions and answers :—

"What observation did you make on the large bed? —I observed it had been occupied.

"Can you inform their lordships more particularly of the state of it?—I cannot.

"Was it much or a little deranged or tumbled?—Not much."

By this question the Solicitor-General evidently meant to point to some fact or other, instead of having general statements, which might be construed as having reference to one, two, or a dozen persons. Some time afterwards, before she came to the story of the stains, the Solicitor-General put somewhat of a leading question to the witness. He did not ask about the bed being tumbled or deranged, or anything general, and by which means he ought to have elicited the fact he wanted to come at. In order to procure the information he sought, he asked, page 252—

"State what was the appearance, on the second night, of the great bed; whether it had the appearance of one person having slept in it, or more?—More than one person."

On this amended question, the witness, who had not before adverted to the circumstance, declared that the bed seemed to have been occupied by more than one person. The next question was—

"How was that bed on the subsequent nights? had it the appearance of one person having slept in it, or more than one person?—I have always seen the same thing."

Again, in a subsequent stage of the proceedings, when a noble lord, in the course of his examination (page 362), asked more particularly about the bed, a new fact was elicited.

"State (said his lordship) distinctly what was the state of that bed?—The bed-cover was extremely

pressed down in the middle, and there were things on the bed I had never seen before.

"What were those things?—Large stains."

So that the third edition came out with large additions. Each time there was an improvement in her evidence; it was strengthened and enlarged; but it was not until the third edition came out, that the case was complete and perfect. When they were on the subject of a witness mending and strengthening the evidence, he did not think a much more conclusive instance could be given than that which he had quoted. In the first instance, De Mont proved nothing; she tried again, and came nearer to the wished-for point; but at last, after a little consideration, she made her evidence quite perfect. It was extraordinary, when her attention was immediately and directly called to the state of the bed, when she was first examined, that she recollected nothing whatsoever about stains. There was another instance of the same kind in the evidence of De Mont. On the first occasion, when she spoke of Bergami being in the passage leading to the Queen's bedroom, she said nothing whatsoever of hearing any door being locked; and when she was examined afterwards on the same subject, then, and not before, she stated the important fact, that the door of the bedroom was locked the moment Bergami got in. He mentioned these accidental points as a confirmation of the arguments that had been addressed to their lordships on the preceding day, by his learned friend and himself. He would now proceed to call the attention of their lordships to the direct facts, or rather acts, on which the adverse case depended, and state in what manner they proposed, and hoped to meet, those facts. Surely the preliminary matters which he had stated to their lordships, would at once account for its being extremely probable that her Majesty's counsel would not have all that proof in favor of the Queen, which they believed, and indeed knew, to exist. If

power was exercised to procure evidence against her, and if the same power was exerted to keep witnesses from hastening to her assistance, hard, indeed, was her situation, and manifold were the difficulties with which she had to contend. In addition to this, he was certainly in no condition to state the evidence on behalf of her Majesty with all that precision and detail which might be expected from the amply-stored and well-prepared, well-concocted brief of his learned friend the Attorney-General. Surely, from the sundry examinations abroad and at home (and not only had the witnesses been examined before, but two of them, contrary to all precedent, had been sworn); but surely, from all the preceding examinations, his learned friends on the other side had every means of knowing clearly what case they could state, and what witnesses they could bring to prove it. On the part of the Queen there were, on the contrary, no time or means for having the evidence culled and arranged; it must be brought forward, necessarily, without that full preparation and arrangement which the other side ought to have made. It was true, that if the Queen had pleased to ask longer time, undoubtedly longer time would have been allowed. But he could state why her Majesty could not have asked longer time. Her Majesty had patience—her patience had been tried. Abundant opportunities had been given to exercise her patience. Her Majesty had fortitude—in the course of her life she had found it necessary to exercise her fortitude; but the Queen had not patience, she had not fortitude, to let the case slumber in an unjudicial, unphilosophical balance, with all on one side, and not a single comment, not a single reply, not a single remark, on the other. Therefore the Queen could not allow the case to stay so. Therefore the Queen's patience and fortitude, great as they were, could not allow all the charges, evidences, and insinuations, to go forth on one side, and no anti-

dote with it; and he knew not that there was any one who had fortitude enough to blame the Queen for this. But these observations he made only to show that it was not to be expected that he could give the same regular systematic detail on her Majesty's part, which ought to have been given on the other side, after a preparation of three years. On the other side, they had had the power of choosing their time; they had had the means of selecting their opportunity. Time, opportunity, and influence, they had been able to command, adequate to their situation. But, notwithstanding this disadvantage, he would now proceed, by allusion to particular branches, which he would mention shortly; he would show the case which they were prepared to make out on the part of her Majesty. In going along, he would first remark what the adverse case was, and what they were ready to prove, in order to meet that case. First, his learned friend (Mr. Brougham) informed him that he had not discussed largely the evidence connected with the polacre, but had passed it over, in consequence of the arrangement that had been made—that he should only state the general case and animadvert on the evidence which had been adduced. But of all the parts of the adverse case, this was the very fittest, the very best, the very pleasantest, for commentary. His learned friend, too, reminded him that on a former day he had touched this part of the case by his remarks on the evidence of the master and mate. There was no part of the case on which he was more willing to enter, none that he was more happy to grapple with and to meet. If any supposed that this part had been industriously omitted, the contrary would presently appear. No part had been more pressed and observed on than the bath. According to Majocchi's evidence, that bath had been in the cabinet of the Queen, where the Queen and Bergami were, while Majocchi stood at

the door without. De Mont had not confirmed Majocchi in this statement: she said the bath had at one time been used in the dining-room, and of other times she said nothing. Not only, therefore, was her evidence not confirmatory, but it was virtually, as the case was considered so important on the other side, a contradiction of Majocchi's evidence. But the bath, in point of fact, was a tub, being the only kind of bath that could be had on board a ship. The cabinet was small, so that, so far from taking the bath into it, what with the bed and the furniture, it was impossible for the tub to be placed there at all. If, then, it was a physical impossibility, that must amount to a contradiction. He thought no better contradiction than the laws of nature could be given; and such a contradiction might do pretty well against such a witness as Majocchi. The whole of this, then, so industriously misrepresented, their lordships would throw to one side, as an infamous, false, malignant traduction of the Queen, if they should find it proved that the tub could not be introduced into the cabinet. In page 95, the witness, he believed Paturzo, swore, that when Bergami had changed his sleeping-chamber, it was quite possible to see the Queen from one bed to the other, and lying in bed. To that a peremptory contradiction would be given; and it would be shown, that the situation of the rooms and beds was such as rendered such a view from one bed to the other impossible. There again, then, was a contradiction. Again, it had been sworn that Bergami had changed his bed; and an inference was made from that circumstance against the Queen. Let their lordships mark how plain a fact put down this inference. At Tunis a surgeon had been taken on board; no room could be given to him according to the arrangement which had previously existed; therefore, without communication with the Queen, without her knowledge, without any arrangement with her, that change was made of Bergimi's

bedroom: so that this circumstance, malignantly as it had been directed against her Majesty, fell down before the fact. Another circumstance, strongly urged, and apparently much relied on, was the sleeping in the tent. This tent had been within half a yard of the steersman, who was always on the spot. Why had not the steersman been called? Why, if Majocchi told the truth, and heard, while he lay below, the noise to which he needed not refer in fuller terms—and which noise, by the way, never could have been heard in the agitation and motion of a vessel at sea;—but if Majocchi told truth, and heard this noise while he lay below—not asleep, for Majocchi was not stupid enough to say so—but, if he heard it awake, surely the steersman must have heard it. They would prove that the crew were at that part of the vessel at all hours. They would produce an officer who had charge of the vessel, and who would state to their lordships, that the Queen used to put questions to him, at all hours of the night, respecting the progress of the ship, the weather, and similar subjects; and that he, without fear, apprehension, or warning, used to take up part of the curtain, and to give answers to the questions asked. The Queen did not sleep there undressed, as is usual in bed; it was an awning, and she slept with her clothes on. He believed—when he made use of that expression, he begged not to be understood to feel any doubt or hesitation—but it was not possible for him to be so well trained and tutored as the learned gentlemen on the other side ought to have been, and therefore he could not know so thoroughly what the evidence really was;—but he believed that it would be proved to their lordships, that the communication between the tent and below was constantly open. On several nights during the voyage, it would be proved that Bergimi had not reposed there at all; but that the Queen herself, after some untoward accidents that had happened, and some attempts at surprise in Italy, reposed nowhere

without some person to protect her. He fancied that the evidence, in this respect, would show, that when she slept undressed, and in bed, the person guarding her Majesty was at the door, or in the adjoining room; but that in other cases, when her Majesty reposed in a tent, and with her clothes on, that person was in the tent. Suppose any part of this true—suppose any fragmant or fraction of it proved—what then became of the evidence of De Mont and Majocchi, respecting the bath and the tent? Why, of twenty-two men on board, had none been called? Above all, why had not the steersman been called to state what had actually taken place, in confirmation of Majocchi, a discarded servant, and of De Mont, a discarded, ungrateful, malignant female servant? He begged not to call their lordships' attention to the evidence of transactions at Naples: first, respecting the night, the very night, when, from her Majesty's agitation and alarm it was supposed the commencement of adulterous intercourse was made. Respecting the opera night—that night so fatal in the transaction—De Mont swore that the Queen retired, agitated of course. De Mont was there quite safe: she swore to agitation which no other person saw, and to what the person alleged to have been agitated could not bear testimony. There the Queen was agitated—there the adultery commenced. So it had been opened by the Attorney-General—so it had been described by the witness—and so it had been summed up by the Solicitor-General; but that night, fortunately, had been a remarkable night. That was the night when the King of Naples and his Court were witnessing the opera. For the Queen, a state-box had been prepared. There she was regularly attended by appropriate attendants, who remembered well the night, and their attendance there. From the length of time they were obliged to stand, the amusement of the opera had not compensated for the fatigue of attending; and they well remembered that they attended till the opera

ended, and that did not happen till 1 o'clock in the morning of the night known in the evidence as the opera night. So much for the earliness of her Majesty's return. According to De Mont, the Queen had not a bed that night,—or, in fact, did not sleep that night—and indeed during the whole time she was at Naples. Where her Majesty slept, De Mont must be called back to tell them. But he would supply the deficiency of her evidence, as to where her Majesty slept that night. The night was not only remarkable for the King and his Court attending the opera, but for a storm which threw open the basement of the Queen's room; and he would call a witness who had been called by the Queen to shut it, and who would prove that the Queen was then in bed. What, then, became of this notable adultery on that fatal night, when he knew not what conscious stars witnessed the deed—and of the agitation, and he knew not what, of approaching ruin? He would not waste time by commentary on this part of her Majesty's case; it was a peremptory contradiction. His learned friend had opened, that William Austin, a boy of six years of age, was just, to meet the occasion, on that very night, withdrawn from her Majesty's room, and for that very purpose. What would their lordships say of this charitable and honest construction, when they found that a boy of thirteen, and in the climate of Italy, had been some time before represented to the Queen to be of an age that rendered it proper that he should be separated; and that he had been separated before that night, when necessity did not make that impracticable? So much for the removal of a boy of six years of age—and on the adultery night, and of the injurious interpretation on the conduct of the Queen on that occasion. Another part of the evidence hardly deserved any reply; but they would not leave the case short in any one part, till the witnesses on the other side were totally contra-

dicted. The part he now alluded to, was the alleged indecency of her Majesty's dress, when she represented the Genuis of History. The occasion was the celebration of Murat's victories. A duchess of Murat's court, and another lady of high rank, and of Murat's court, performed parts in this representation. So far from her Majesty's dress being indecent, as De Mont had sworn, according to the opening, it was particularly grave and decent, covering her person up to her chin, and covering almost the whole arm. The character which the Queen sustained, was of a modest, severe, and simple kind. The Genius of History was

"Sober, steadfast, and demure,"

and naturally such, in other attributes, as Milton described another imaginary personage. It was not a fanciful, wild, and fantastical person that was to be represented; it was not the laughter-loving goddess, who was generally represented open and exposed in a considerable part of her dress. From the nature of the character, therefore, and from memory, a positive contradiction would be given to this part. He would now proceed to take another instance. Their lordships would now call to their recollection the circumstances given in evidence as having occurred at Carlsrhue. Even as that stood at present, it was rendered impotent, when they considered the interference that had taken place for the prosecution, and against the Queen. He alluded to the subtraction of a witness, whom the Queen desired to attend, and who was compelled not to come at the Queen's desire. Yet, although this interference was used to deprive the Queen of evidence, truth was not here without a witness. In page 188, their lordships would find the evidence of Kress, who fixed the time between seven and eight. In contradiction, they were able to prove the dining of the Princess and of Bergami abroad every day they

were at Carlsrhue. On one day only, when Bergami was dining, he believed, with the Grand Duke —but that was not material—but he retired, from where he dined with the Queen, unwell. Some music was afterwards given by the Grand Duchess, and the witness who would be called remembered it well, from having taken part in the musical performance. The Queen was there, and remained there two hours after the departure of Bergami. It would also be proved, that when she returned, Bergami was up and well, having had but a slight indisposition—a headache, he believed. This completely covered the time Kress spoke to; and the dress and appearance of Bergami, which would be proved by the witness who accompanied him home—and his dress on the arrival of the Queen, the proof of which did not rest on one witness only, for two witnesses would speak to that fact—these circumstances completely met the evidence of Kress. The witnesses to be produced for the Queen upon this point, speaking to facts with perfect recollection, were sufficient; above all, when they were able to produce evidence respecting Kress, which would render her not fit to be believed upon her oath. In these circumstances, the witnesses they would call would satisfy their lordships that the evidence of Kress was not only not sufficient to deprive the Queen of her dignity, but utterly insufficient to deprive a sparrow of a feather of his wing. But thus would their lordships find every part of the evidence either contradicted or incredible, on the testimony which supported it. He now wished to direct their attention to pages 302 and 303, for the evidence of Bergami's return to Charnitz from Inspruck. There again was presented proof of adulterous intercourse, according to the opening of the Attorney-General, the summing up of the Solicitor-General, and the examination in chief of De Mont; although she fell off somewhat in the cross-examination, at page 363. Proof of adulterous intercourse was to

have been established from the intercourse on this occasion in respect of the bedroom, and other respects, whereby, he supposed, was meant eating and drinking; for all these circumstances were necessary in decking the case against the Queen of England. They were in a condition to prove the time of Bergami's return, when the Queen was indeed in bed: but she had all her clothing on; and there was good reason—there was severe frost, and the wretched inn was shut up with snow. A witness, whom he would call, returned with Bergami from Inspruck, and continued with Bergami for two hours afterwards, preparing for the departure of the Queen and her suite. This witness had been during that time more than once in the apartment of the Queen, communicating how they were proceeding with the preparations, and by the appointment of Bergami, who was engaged in making the necessary preparations. That injurious statement which was founded on the circumstances here — the imputation attempted to be cast upon the Queen—the insinuation of the shadow of a fact—all would fall before the facts and evidence which he verily believed they would be able to furnish to their lordships. The person to whom he alluded was the best witness to the transaction, from the circumstance of having been engaged in the preparations. But they were able to produce not less than three others to the facts, in refutation of the adverse imputation. He would now call their lordships' attention to another fact respecting details of evidence, which it was lamentable to see gone forth to the people of this country. It was in page 438 of the evidence. Sacchi, Sacchini, or whatever name he chose to be called by, was the author of this evidence. He alluded to the memorable journey to Senegaglia, when this witness described his drawing of the curtain, and seeing the indecencies which he (Mr. Williams) would not mention more particularly. Three times over had Sac-

chi, according to his testimony, seen those indecencies. It was thought necessary thus to make assurance doubly sure. Now, in the first place, it would be proved that the Queen travelled in a landau, and that there were no curtains to be drawn belonging to that carriage. In addition, it would be proved that in that journey Sacchi was not the courier or the person whose office it was to do the duty which he had so minutely represented. There was indeed a spring blind, but not a curtain, and it could not be removed by a person on the outside. Another person, who well remembered that journey, had been the courier on the occasion, and the witness would state to their lordships his reasons for remembering it. Many witnesses would speak to this part of the case, and prove that the person to whom he alluded was the courier. He did not waste time in commenting on this contradiction. If Sacchi was not there, he saw not what he swore he had seen. If there were no curtains, Sacchi did not draw them. He would further be enabled to prove the falsehood of this testimony, by the presence of a person who had been in the carriage on the journey, and who would negative the statement of Sacchi, so far as that was possible in such a case. Their lordships might again remember that De Mont, in page 295, spoke of the bedroom of the Queen being changed in the Villa d'Este. Of course all was for the same purpose—all was for the purpose of adulterous intercourse—every act and every change was marked with that tendency. If her Majesty had a smoky bedroom, to change it was of the same tendency. Nothing was done, but some injurious imputation was raised from it. It would be proved that the bedroom used by the Queen had excessively annoyed her with smoke in the winter season; that on that account it was necessary to provide another apartment for the Queen on the occasion alluded to; and that that was done accordingly. This, however, she changed, to avoid the inconvenience

of having to go to the very extremity of the house, from the sitting apartments usually occupied by her Majesty; this room selected being closer to those sitting apartments. The result was, that her Majesty, in going from that other substituted apartment to the sitting-rooms of the Villa d'Este, had to make the tour of the whole house. To avoid this inconvenience, not a new door—(for that was the gloss which had been put upon the matter by the other side)—not a new door was made, but an old door renewed, in order to make the access to the other apartments some ten times nearer (as he was informed) than it would have been the circuitous route to which he had alluded. This was the plain history of the change of the apartments, upon which he should not have troubled their lordships, but that the evidence which had been given on the point, had been stated to be all corroborative of the charges stated in the preamble of the bill. There was another fact, which he believed it was necessary he should advert to; and that was, the bathing in the Brescia, detailed in the evidence of Antonió Banchi (p. 398). Their lordships might remember that it was a very considerable time before anything could be made of him; he could not, in his answers, make out where the bathing was to be; whether in a pool or a mill-dam; in water or on land; or in what other situation. He was, indeed, in main confusion throughout the whole of his examination; and not without a cause. Now it turned out that the scene of this bathing was laid in the Brescia; and he (Mr. Williams) understood it would be distinctly proved that the Brescia was altogether a mountain stream; that is to say, that in reasonably dry weather there was no water at all; and in the rainy season it was so swollen as to render any bathing in it pretty much like bathing under London-bridge at low water. Bathing would be about as agreeable in wet weather as it would be at low water under London-bridge; and, in dry weather, about as

possible as it was to bathe upon the bridge. This, he was sensible, was really not a part of the evidence upon which he ought to trouble their lordships, thinking indeed, that the fact, if true, did not merit the taking up of their time. However, as it formed a part of the matter of the preamble, out of condescension to those alarming and significant words in which it was couched, he had chosen to open this part of the evidence. There was one thing more to be noticed; and, after that, he did not know that he should have to trouble their lordships with any other point. Their lordships must see that he (Mr. Williams) had all along taken facts, not constructions; that he looked at the acts charged, not at detailed parts of them; that he had not selected minute portions, nor particular bearings; but that he treated the facts and circumstances charged, according as they were made out by the evidence of this person or the other. This was a matter which he was induced the more particularly to mention, because this was one of those parts of the evidence upon which his learned friend, the Attorney-General, assuming it to be entirely true, had ventured (and wisely ventured in that belief) to throw out a challenge to his (Mr. Williams's) learned friend; they had accepted that challenge, and were intent to try the question of the veracity of a witness, in whom the other side so entirely confided. In page 223 of the evidence, in the answers of the mason, Ragazzoni, their lordships would find that antediluvian scene of Adam and Eve, which they would remember, no doubt. He need only allude to it, at any rate, in order to recall it to their lordships' recollection. They would find, at page 223, that this honest person described himself to have been working in a grotto, and upon a cornice in a round room; and very lucky it was that he had happened to condescend to give their lordships his particulars; for the place of these statues of our first parents had certainly two positions. At one time they were in

the house; but that applied, of course, to the garden. If he had been speaking of the house, and meant that he was working at the cornice in the round room, this honest man had represented himself to be in a place about as convenient for seeing what passed with regard to the statues, as if he (Mr. Williams) should take his station in St. Paul's Cathedral, for the purpose of seeing what passed in their lordships' house. One was not more convenient than the other. While Bergami and the Princess were in the grotto (or rather in a portion of what was called the grotto), this man said he was at work upon a cornice in a round room. There was a round room adjoining this too; another, and another. So that, if honesty was at work at all, he could not look into them; the Adam and Eve which stood in the grotto, were just as much out of sight, as their lordships' house would be if he (Mr. Williams) were situated in the way he had just mentioned. When he observed that this would be shown in proof, it did seem odd that they (the Queen's counsel) should have been so challenged by his learned friends, even if those learned gentlemen supposed, as they might fairly suppose, that this man would give no calamitous evidence, of which her Majesty's counsel might get hold, and avail themselves. The challenge, however, had been given and it was accepted. They (the Queen's counsel) should prove to their lordships that Ragazzoni could not see what he had deposed to have seen by the laws of optics—by the laws of nature, rather—and consequently that the testimony he had borne against the Queen of these realms was false, foul, and malignant. Was he not wasting their lordships' time—was it not almost an unnecessary observation —when he said, that if any potion of this evidence was satisfactorily disproved, it being one of the ingredients of their whole case—a case which was most peculiarly circumstanced with reference to its coherence and integrity (for it ought to cohere and to be entire more

more than cases in general), it must fatally affect the remainder? Here was a case where the witnesses had been most peculiarly, he might say, most unusually treated, too; a circumstance which must weigh with their lordships. They had not been sent over without a license, the authority, the "imprimatur" of the Milan commission: none had been sent without having the stamp of that commission, without bearing the impress of the mint there; and then they had been kept and held together in a manner such as was never known with any other witnesses of whom he had ever heard. Having been sent over from Italy, they were caged and cooped up all together, in a most unusual way, as if there was an official impression of some kind set upon their faces, or their backs, for he knew not which. The impeachment, therefore, of a part of such testimony, was of much more weight and importance than in general and ordinary cases. But these were not mere straggling transactions to which he had been alluding—they were not mere detached parts that were affected, but the whole foundation of the case on the other side. He did not deal merely with the outside, the exterior surface, but that to which he had solicited their lordships' attention cut off the "*succus et sanguis*" of the case, if it was a case at all. If they found a witness in one part of his testimony, wilfully and solemnly deposing to a false fact, upon his oath, what man could believe that he would truly depose in another part. A story or narrative was usually and frequently made up of the evidence of many persons. One person, he would suppose, went to one quarter, and, at his return, said he had learned so; and so another individual, in another place, was informed of other particulars; and a third party, in a third place, was informed of more. Now, in such a case, any part of these accounts being cut away, the others might still remain; and those portions of the narrative might be received. But the veracity of

a man was another thing; and if that were shaken in any part whatever, who was to stand up and say, "Here is falsehood, malignity, calumny, and perjury on one part"? Who, he asked, was to draw the line, and to declare, "So far this man is not to be believed; but, in the other part of his testimony, this and that, and all here, is sound and veritable." In human affairs this was clearly impossible. No man could draw that arbitrary line; the veracity of a person being impeached in one part of his testimony, was impeached through the whole. They could not separate it. It was a shaking of his testimony from first to last. According to this test it was that his evidence was to be considered; they must take it to be good, because unimpeached, or reject it as bad, because impeached. There was no medium, as upon this subject, in human affairs; and there was none in judicial proceedings, civil, or criminal. Their lordships must also bear in mind, that it almost always happened that any fiction which was meant to operate to the injury of a person, was not merely a fiction, but was the grafting on a story—of which one part was true, and the other false—that malignity which only the fiction could support, and which it was the object of falsehood to establish. This was, at least, true generally; and was there anything in the present case, from whence it might be inferred, that there was a way of building upon a substratum of fact, all that malignity or enmity could devise, without having recourse to fiction? Their lordships, he need here hardly remark, would all recollect that the scheming chambermaid who had been examined at their bar, kept a journal of sundry events and transactions occurring during her residence and connection with the Queen. This record was kept during her moments of veracity; and in it their lordships had seen how (and very justly) she had lauded, extolled, and eulogized that generous and gracious mistress whom she had since perfidiously

calumniated and betrayed. Those facts which she had written down, furnished, eventually, a very proper foundation for that superstructure of falsehood upon which the present charges had been raised. There his learned friend, the Attorney-General, might find all the assistance he needed upon some points: the date of her Majesty's journeys—the periods of her returns. If this were true, as it was—or if that position for which he had been contending was untrue—how came it that this refugee to the Queen, this suitor to her bounty, had quitted, for reasons best known to herself, the home which had received, and the Queen who had protected her; and with the assistance of another person, of equal character, but perhaps of less ingenuity, had proceeded to adapt, to genuine and undoubted facts, facts of foul falsehood and calumny, and of the utmost prejudice to the Queen? When he heard the adverse case torn in pieces, as it yesterday had been by his honorable and learned friend (Mr. Brougham), in such wise, that, to his mind (although he [Mr. Williams] as an advocate—and, thank God! a zealous one he was, for her Majesty—might not feel impartially in the cause, perhaps) that case was shaken to destruction by the powerful argument and language his learned friend made use of on the occasion; he had been almost tempted to cry out, in the words of that impassioned exclamation of Cicero—"*traque fictas omnium insidias, facile per se ipsam defendat!*" But when he saw, that after the lapse of so much time, when the memory of persons might have failed them, and time itself have cast its mantle over many important occurrences—when he saw the expectation, which was apparent, of so much being proved—then did he hesitate to confide in that declaration, although it proceeded even from Cicero; and then did he feel, with his learned friend, Mr. Brougham, that the issue of this great cause must rest with Providence, who ever effectually protected the innocent, as

it were, with a shield, and whose gracious help did most wonderfully maintain and defend the desolate and the oppressed. He should now cease to sum up the evidence on behalf of her Majesty, by reminding their lordships of two of the witnesses on the other side—two arrows from the quiver of his adversaries. He should call, on her Majesty's behalf, two witnesses—Captain Pechell and Captain Briggs, the only two men (he meant no national reflection in saying so) upon whose testimony their lordships could, with the utmost confidence, with the most implicit reliance, beyond all shadow and manner of doubt, place their hands upon their hearts, and say, "This is the evidence which we can implicitly believe." Captain Pechel, with the honorable candor of a man and an officer, and although not without some slight grounds of offence existing between himself and her Majesty, spoke nothing against the Queen. The other honourable and gallant officer, Captain Briggs, spoke decisively for the Queen. Now, if the alleged attachment of her Majesty was, indeed, this violent, obstinate, and insurmountable passion—it was one that could not be concealed from eye-witnesses, and those by twenty at a time—if it was one that must be gratified in market-places, or on shipboard—that was then in the height of its inflammation—he would ask, upon these suppositions (that is, if the case on the other side were true), could nearly three weeks together have been passed on board his Majesty's ship, the *Leviathan*, and nothing of all this have transpired? The adverse impression, and the supposition of the domineering passion under which the adverse counsel placed the Queen—and the absence of all proof which such an occasion required, namely, proofs strong as those of holy writ—such as would satisfy their lordships and the people of England, and such as might have been had, if they existed—spoke volumes. The proofs in favor of the Queen, on the other

hand, spoke in the language of complaint, before their lordships. What system was this? Were they not daily hearing, and hearing in the shape of lamentation and complaint, that there existed in the country at this time, a turbulent and insubordinate —and every now and then, "ever and anon," it was said—a treasonable temper, also, amongst a no small portion of the people? Did they not know it to be asserted—was it not perpetually rung in their ears, "that the laws were beheld with contempt in their enaction, and with disgust in their execution?" Did they not, moreover, hear, almost in the language of a writer to whom he had just alluded (and who applied that very description to this country just half a century ago)—he meant Mr. Burke—the same complaints which were then prevalent, and upon which he observed, "that the country stood in need rather of reformation than of support?" Did they not hear it deplored now, as it was lamented then, that rank, and office, and title, and all the solemn plausibilities of the world, were falling into disrespect? Was all this true, or not? If it were true, what were they now doing? Was the principle of incapacitation to be confined to the other sex? What was it, he repeated, that they were now doing? He did not say that their lordships were casting a legislative measure of a doubtful import; a formal measure which might be possibly, but feebly and and lately, injurious; but which might also be greatly advantageous, and for which, therefore, some penalties should be endured; but they were casting a lighted and burning firebrand, of no other than an anti-monarchical quality, into a magazine filled with materials ripe for combustion and explosion. Such would be the fatal catastrophe, if this demoralizing and dethroning investigation were pushed to its utmost extent, and that, too, upon such evidence as had been adduced at their lordships' bar. It was not for him to answer these sev-

eral questions. He would put the subject no further to their lordships; but that their lordships (according to, and complying with, he would not say—but)—not disdaining the precedents of those great judges to whom he had alluded—who looked, by their conduct, to the interests of posterity, and who, it seemed, were of the same mind with the universal feelings cherished by the people of the country—that their lordships might, by such means, assuage heats, remove animosities, and haply, peradventure, and by great good fortune, even yet maintain the peace and prosperity of this great empire—was the second wish that animated his heart. The first was, since hazards were incurred, and consequences had been neglected, that, at whatever hazard and with whatever consequences, the cause of substantial justice might triumph.

JAMES LEMAN was then called in, and having been sworn, was examined by Mr. Denman.

Are you a clerk to Mr. Vizard, the solicitor for her Majesty?—I am.

Were you sent by her Majesty to Carlsrhue?—I was.

On what day did you leave England?—On the 1st of September.

On what day did you arrive at Carlsrhue?—On the 14th of September.

Were you provided with any letters from her Majesty, addressed to any gentleman at Carlsrhue?—I had a letter from her Majesty, directed to the Chamberlain of the Grand Duke of Baden, the Baron D'Ende.

Did you inform the Chamberlain that he was required as a witness upon this proceeding?—Yes, I did.

Do you recollect on what day that was?—It was on the 17th that I first saw him.

Did you on that day make that communication to him?—I did.

Did you take his deposition with a view to instruct the counsel for her Majesty to examine him at the bar of his House?—The Chamberlain of the Grand Duke keeps minutes of the transactions of every day; those

minutes were at Baden: it was at Carlsrhue I saw him: the first time I saw him was on the road between Carlsrhue and Baden. I met him.

You first saw him on the 17th, on the road between Carlsrhue and Baden?—I did. I informed him that the object of my coming was to request that he would attend here as a witness on behalf of her Majesty.

Did you at any time take his examination for the purpose of instructions to counsel?—On the 20th.

Do you know whether he then had an opportunity of consulting his minutes?—Yes, he had; his minutes were at Baden, and he consulted them while I was by.

You took that deposition at Baden?—I did.

That was on the 20th of September?—It was.

Do you know whether the Grand Duke was at that time at Carlsrhue?—I know he was absent.

When did he return to Carlsrhue?—On the 21st.

The day after you had taken this deposition?—Yes.

Was the Baron D'Ende willing to come as a witness to this country?—Yes, he was.

At the time that you took his deposition on the 20th?—Yes, he was.

Did he state any condition on which alone he could not come to this country?—He said he could not come without the consent of the Grand Duke.

After the return of the Grand Duke to Carlsrhue, did he then make any statement as to his coming to this country?—He told me on the 23d, which was the morning he had seen the Grand Duke, that the Grand Duke had refused to grant him permission to come.

Be so good as to state, if you can, the precise words he made use of?—He came to me, and stated: I have bad news for you; the Grand Duke will not let me go.

The Attorney-General here interposed, and said that he ventured to ask whether this gentlemen was intended as a witness in the case. If he was, then he begged to suggest that his statement of what he was told passed between another person and the Grand Duke could not be received in this way as evidence. He made this observation merely if the witness's examination were intended to be on the case. If, however, it were merely for their lordships' information respecting anything

upon which the House had a desire to hear explanation, not touching upon the merits of the case, then of course he should not presume to interpose, as he could have nothing to do with such an investigation.

The Lord-Chancellor.—What has been stated by the witness respecting the Chamberlain's interviews with himself is perhaps evidence; but what he says the Chamberlain stated to him as having passed between him and the Grand Duke is certainly not evidence.

The Attorney-General observed, that he merely interposed with the view of ascertaining if this were intended as evidence in the case.

Mr. Denman said, it was not tendered as such.

The Solicitor-General then said, that they had nothing to do with it in that view.

The Lord-Chacellor said that this might perhaps have an operation hereafter, as showing a reason why a particular witness was not forthcoming. It might in that way have some bearing upon the case.

Mr. Denman: Did he state any other reason for not coming?—I am not aware that he did; he stated that he enjoyed his Hanoverian estates through his Majesty, or through his Majesty's kindness; but that he would not let that be a difficulty in the way of his coming to this country as a witness, because he was satisfied his Majesty would not think ill of him for coming as a witness.

Did you make any other application to him in regard to his deposition?—I did; I wrote him a letter requesting him to make a deposition, before the legal authorities of the town, of the facts he had stated.

Did he do so?—He did not.

Did he ever give you any other reason for not coming than that you have stated?—No.

Did he give you any reason for not making that deposition?—That he could not do it without the consent of the Grand Duke, and that he had not that consent.

Was there a person of the name of Mandeville there?—There was.

Was he in the presence of yourself and the Chamberlain?—He was not.

At no time?—No; but he was in the hotel that I was in, and I dined with him most days.

He knew of your being there?—He did.

Did you communicate to him your being there on behalf of her Majesty?—I did not.

When did you return to this country?—The day before yesterday.

Do you know whether, during your stay at Carlsrhue, any other person arrived on the part of her Majesty the Queen?—A Mr. Sicard.

Do you know that yourself?—I saw him arrive.

You returned the day before yesterday?—I reached London the day before yesterday.

ANTHONY BUTLER ST. LEGER, Esq., was then called in, and having been sworn, was examined by *Mr. Denman.*

Were you chamberlain to her Majesty the Queen?—I had that honor.

How long did you continue in that office?—About eleven years.

From what period?—From 1808 to October, 1819.

Did you go abroad with her Majesty in the year 1814?—I went as far as Brunswick with her Majesty. Her Majesty dispensed with my accompanying her on her tour, on account of my health, and on account of my family, and she was good enough only to require that I should attend her as far as Brunswick.

You say her tour, what tour do you refer to?—Her intention of going abroad; it was then said Germany and Italy, as I understood.

Was that understood before you left England?—It was so.

According to that permission, did you leave her Majesty at Brunswick?—According to that permission, I left her Majesty at Brunswick, as she was good enough to say, that when I got to Brunswick I might return when I chose.

In the course of the last year, the year 1819, did you receive any communication from her Majesty?—I received a communication, I think it was in the month of July or August—I cannot charge my memory at present which—that her Majesty intended to be in England in the month of September.

The Attorney-General objected to communications between her Majesty and Mr. St. Leger being received in evidence.

Mr. Denman said he would put them in a different form if his learned friend pleased.

Mr. Denman: In consequence of any communication you received, did you make any preparation?—In consequence of that communication, I prepared to go and meet her Majesty, as she desired, at Dover.

Has the state of your health rendered it impossible for you to attend her Majesty from the time you left her at Brunswick till the present time?—The state of my health has been such, that unfortunately I could not attend her Majesty. I have been obliged to go into Devonshire for five years past, where I have been entirely confined all the evenings during the winter months.

Since her Majesty's return to this country, have you paid your respects to her?—Immediately on her Majesty's return to this country I paid my respects to her.

In consequence of the state of your health, did you resign your office?—In consequence of the state of my health only. I had the honor of communicating to her Majesty that I should be prevented attending her, and I requested her, on that ground, to receive my resignation.

Mr. Solicitor-General stated that he had no questions to ask this witness.

The witness was directed to withdraw.

The Earl of GUILFORD was then sworn by the Lord Chancellor, at the table, and was examined in his place, and by leave of the House, as also with the permission of the Earl of Guilford, the questions were put directly to his Lordship by the Counsel, instead of to the Lord Chancellor in the first instance, and through him to his Lordship, as is the usage and practice of the House.

Mr. Tindal: Does your Lordship recollect when her present Majesty was at Naples?—I recollect coming to Naples after her Majesty was there. Her Majesty was already there when I arrived at Naples.

About what time was it when your Lordship arrived

there?—I think it was in the very beginning of March, in the year of our Lord 1815.

Did any one accompany your Lordship upon that occasion?—My sister, Lady Charlotte Lindsay.

When your Lordship arrived at Naples, who formed the suite of her Majesty?—To the best of my recollection the suite of her Majesty was formed by Lady Elizabeth Forbes, the Honorable Keppel Craven, and Sir William Gell, and Doctor Holland was there as her physician at the time.

Does your Lordship remember at that time any person of the name of Bergami?—Yes, I recollect seeing that person.

In what situation was that person at the time your Lordship first saw him?—As far as I understood, he was courier.

How long did your Lordship remain at Naples?—I remained at Naples only three or four days—three days, to the best of my recollection.

Was Lady Charlotte Lindsay with your Lordship when you went there, or did she arrive afterwards?—She arrived together with me; we travelled together from Nice to Naples.

Did Lady Charlotte Lindsay accompany your Lordship when you left Naples?—No, she did not; I left Naples before her.

Where did your Lordship next see the Queen?—At Rome.

What interval was there between your seeing her at Naples and seeing her again at Rome?—A very few days, the exact number of days I cannot remember, but it was but a few days before I saw her Majesty at Naples.

How long did her Majesty remain at Rome?—A very few days; I think not more than two or three days; I know it was a very short time.

During that time did your Lordship dine with her Majesty?—I do not think I did at Rome.

Had your Lordship dined with her before at Naples?—Yes, I had dined with her once at Naples.

Does your Lordship recollect who dined there upon that occasion?—Particularly I do not remember; there was a considerable party, but the particular individuals

who dined there I do not call to my recollection: there were a good many English persons.

Were there any of the nobility of the court of Naples?—That I cannot positively recollect.

Did Lady Charlotte Lindsay dine there on that day?—She did.

Can your Lordship recollect whether Mrs. Falconet was one of the party?—Whether she dined there on that specific day I do not recollect.

Besides dining with her Majesty at Naples, had you other opportunities of seeing her?—Only once, the morning of my arrival.

After leaving Rome, where did your Lordship next see her Majesty?—At Civita Vecchia.

Did not her Majesty embark at Civita Vecchia to go to Genoa?—She did.

How long had she stayed there before she embarked?—Five or six days; a short time; I think it did not exceed a week.

Did your Lordship and Lady Charlotte Lindsay form part of her party whilst she was at Civita Vecchia?—We dwelt in the same house with her Majesty.

And of course lived at table with her Majesty?—Every day, always.

During that time were any other persons invited, during the stay at Civita Vecchia?—The persons invited were, the master of the house, the Marchese Mansi, one day, and the other persons of the family.

Are those the persons whom your Lordship has before enumerated as forming her Majesty's suite when at Naples?—No, with the exception of Doctor Holland. Doctor Holland was there, the other persons were not there.

Was Mrs. Falconet there?—She was there.

Had Mrs. Falconet any daughters?—She had two daughters.

Of what age might those daughters be?—The eldest was a young lady, I suppose of fifteen or sixteen, and the other was younger.

Does your Lordship know who Mrs. Falconet was?—I had known Mrs. Falconet before that time in England. She was either an English woman or an American; I believe an American by birth.

In what situation of life was Mrs. Falconet?—She was before in a very reputable situation, and was married to Mr. Falconet, banker at Naples.

Is he a person in a considerable line of business?—Very considerable.

Does your Lordship know whether she was a person who associated with the first ranks in that country?—As far as persons in her situation associated with the principal people, I believe she did. I had not been then acquainted with her for a great while, but I have every reason to believe she did.

Does your Lordship know whether Mrs. Falconet was received among the first ranks of English in that country?—I cannot speak particularly to that, not having seen her for some time before.

Does your Lordship know whether one of the daughters of Mrs. Falconet afterwards married an Italian of considerable station in society?—I believe she has two daughters married, as far as I understand; one of them I have seen, who is married to an American gentleman of the name of Middleton, and the other as I have heard, to Monsieur Pourtales.

Do you mean Mr. Portallis, a considerable banker and proprietor in Switzerland?—That I really do not know. I have heard his name, but never saw him.

Are those two ladies whom you have mentioned the same two daughters you met at Civita Vecchia, or other two?—No, other two daughters; I believe both those ladies were married at that time.

Did the two unmarried daughters whom you met there dine at the table with her Majesty?—They did.

When her Majesty embarked, it was on board the *Clorinde*, was it not?—It was

Did your Lordship embark with her?—I did.

And Lady Charlotte Lindsay?—And Lady Charlotte Lindsay.

Who else embarked in the suite of her Majesty?—Madame Falconet did, and her two daughters, and Dr. Holland.

Where did your Lordship and Lady Charlotte Lindsay disembark?—We disembarked at Leghorn.

From that time there was a considerable interval be-

fore your Lordship met her Majesty again?—There was a very considerable time that summer. I did not see her Majesty again till the month of November, in the year 1815.

Where was it that your Lordship then saw her?—At the Villa d'Este, her house on the Lake of Como.

Was your Lordship accompanied at that time by Lady Charlotte Lindsay?—No, I was not. I saw her first on the Lake of Como, in paying my respects to her at her villa.

Where was Lady Charlotte Lindsay at that time?—In England.

Did your Ladyship dine there upon that occasion?—I did.

At that time was Bergami sitting at the table of her Majesty?—He was.

Had you ever seen him before sitting at her Majesty's table?—Never.

Did your Lordship stay longer upon that occasion than the day on which you dined there?—No, I went away that evening.

Where did your Lordship go to?—I slept at the town of Como that night, and the next day I went to Milan.

Did your Lordship afterwards, while you were in that country, pay her Majesty a second visit?—I did; the Sunday following I dined with her Majesty at Milan.

When you were there the first time, had you intended to pay a longer visit to her Majesty than the dining with her?—I do not recollect that I had. I had no particular intention. I was at the time travelling, and only intended to pay my respects to her Majesty. I do not charge my memory that I had any intention of staying longer.

Your Lordship is understood to have stated that you dined there the Sunday following?—The Sunday following at Milan. When I saw her Majesty on the Lake of Como, her Majesty invited me to dine with her the following Sunday at Milan.

Was Bergami at the table that second time?—He was.

Has your Lordship seen her Majesty since that time?—I have not.

Cross-examined by *Mr. Attorney-General.*

You have stated that while your Lordship was at Naples, Bergami was in the situation of a courier ; did it happen when your Lordship dined with her Majesty either at Naples or at Civita Vecchia, or on board the *Clorinde*, that he waited at table ?—At Civita Vecchia he certainly did ; I do not remember whether he did at Naples.

Did he do so on board the *Clorinde?*—I really do not recollect whether he did on board the *Clorinde;* I cannot positively charge my memory with that circumstance. I remember it well at Civita Vecchia, and I rather think he did on board the *Clorinde.*

Did Lady Charlotte Lindsay hold at that time any situation in her Majesty's suite ?—She was Lady of the Bedchamber to her Majesty, then her Royal Highness.

When did she quit that situation ?—She quitted that situation, to the best of my recollection, for I was then out of England, in the beginning of the year 1817 ; about the month of May, I think, in the year 1817.

Although you say she quitted the situation in 1817, she was not actually in her Majesty's suite after she left her in Italy ?—After she left her at Leghorn, to the best of my knowledge, my sister never joined her Majesty.

When you visited her Majesty at the Villa d'Este, was there any lady in attendance upon her at that time ? —There was an Italian lady, who I understood was the Countess Oldi.

In the course of dining with her Majesty at the Villa d'Este, did you occasionally converse with that lady ?— Very little ; I had some conversation.

From your conversation with her, did she speak the patois or the pure Italian ?—She spoke, to the best of my recollection, a very good intelligible Italian, with rather an accent of the Lombardy, but not very remarkable ; we had no very long conversation.

When you visited her Majesty at the Villa d'Este, did you see her grounds ?—I did.

Do you remember whether you had a Greek or an

Albanian servant with your Lordship at that time?—I had a Greek servant with me at the time.

Did her Majesty accompany you into the grounds?—Her Majesty first showed me great part of her gardens, and afterwards lent me her donkey to ride upon to see the rest.

Does your Lordship recollect in what part of your tour round the gardens it was that you mounted the donkey?—I mounted it, I think, very near the door. I went afterwards round the olive yard and other places in the grounds.

In going round the grounds, or at the time of coming out, did your Lordship see her Royal Highness in the grounds?—While I walked with her Royal Highness I saw her, but I do not recollect to have seen her walking about the grounds after that.

Do you recollect seeing your servant walking about the grounds?—I do not remember to have seen him, though I might have seen him walking about the grounds.

Does your Lordship remember whether you did see him walking about the grounds?—No, it is a thing I have not charged my memory with.

Your Lordship never stated you saw your servant in those grounds?—Not that I saw him in the grounds; I heard that he had walked round them.

Do you recollect having stated that you had seen him in any part of those grounds with her Royal Highness?—Not with her Royal Highness, certainly. I might have seen him with her Royal Highness; I did not take notice of his being walking with her Royal Highness; there were people walking about in the grounds and the gardens.

Will your Lordship have the goodness to recollect whether you did not see him walking in the gardens with her Royal Highness?—I do not remember that I did.

Or going anywhere?—Nor going anywhere; I do not recollect the circumstance.

Does your Lordship remember a summer-house or grotto?—I remember perfectly, her Royal Highness showing it me.

Does your Lordship recollect seeing her Royal Highness with your servant near that grotto? —No, certainly not.

Has your Lordship never stated that you saw her Royal Highness? —I never stated that I had seen him with her Royal Highness, that I had seen him with her in the grotto, certainly not.

Nor in the grounds? —She might have been walking with him, but I do not recollect having seen it, or having stated it.

Is your Lordship to be understood to state that you do not now remember whether the circumstance took place or not? —Certainly.

That it might have taken place, but you do not recollect it? —It might have taken place, but I do not recollect it.

That your Lordship might have seen it, but you do not recollect it? —They might have been in the garden, but I do not recollect it striking me as anything remarkable.

Then if it did not strike your Lordship as anything remarkable, it is not likely your Lordship should so state that to any one? —Certainly.

Will your Lordship undertake to say you never have stated that? —I can undertake to say I never have said I had seen them together in the grotto.

Or on that day? —On that day certainly I have no recollection of it. I do not mean to say I did not see them in the garden, but I do not recollect it.

Had your Lordship been accustomed to ride at that time? —I had not been a great rider, but at that time I only rode upon a donkey.

Who requested your Lordship to ride upon the donkey? —The Princess of Wales.

Did she urge your Lordship to ride round the grounds on the donkey? —She certainly did.

Where was your Lordship's servant at that time? —In the house, I believe, or in the grounds: he went with me to the house, I recollect perfectly, and was there walking about: I do not know where about he was in the grounds; I know he was at the place.

How long did that servant remain with your Lord-

ship afterwards ?—He remained till the year 1817 ; he left me at Venice in the month of May, 1817.

Previous to your sister Lady Charlotte Lindsay quitting the situation with her Royal Highness, had your Lordship any conversation with her upon that subject ?—I had correspondence with her.

Re-examined by *Mr. Tindal.*

Can your Lordship recollect what the size of this garden was ?—It was a formal Italian garden, of what size I cannot now precisely recollect.

Your Lordship cannot recollect the number of acres within a few ?—No, I cannot ; it was a handsome, fair garden.

At the different times, whenever your Lordship has seen her Royal Highness and Bergami together, have you ever observed any impropriety of conduct in her Royal Highness ?

The Attorney-General submitted that this did not arise out of the cross-examination.

The counsel were informed, that it ought to have been asked on the original examination, or that if now asked, it would let in the Attorney-General to put further questions upon it.

The Right Honorable Lord GLENBERVIE was then called, and sworn by the *Lord Chancellor* at the table, and examined by *Mr. Wilde.*

Did your Lordship see her present Majesty at the time she was Princess of Wales at any time at Genoa ?—I did.

Were you at that time accompanied by Lady Glenbervie ?—I was.

Did her Ladyship for any period form any part of the suite of her Royal Highness ?—No, not at that time.

Did her Ladyship, at any time during the period your Lordship was at Genoa, attend in the suite of her Royal Highness ?—She did.

In what way ?—When her Royal Highness arrived at Genoa, Lady Glenbervie and I were there. Lady Glen-

bervie was not in her service at that time, but Lady Charlotte Campbell was expected from Nice. The frigate that brought the Princess was sent on immediately to Nice, to fetch Lady Charlotte Campbell. Lady Glenbervie having been formerly one of the ladies of the bed-chamber to the Princess, finding herself at Genoa, proposed to the Princess, who had none of her ladies with her then, to attend her till the arrival of Lady Charlotte Campbell.

Did your Lordship, during the time that Lady Glenbervie was in attendance upon the Princess of Wales, dine at the table of her Royal Highness?—Frequently.

For what period?—Her Royal Highness arrived, I think, on the 26th of March; Lady Glenbervie and I continued there till the 17th of May; the Princess did not leave Genoa, I think, till the day after we did, which would be the 18th; during that period I very frequently dined with the Princess, but not every day.

Did your Lordship, during that time, see a person of the name of Bergami?—I saw him every day that I dined there.

What was the conduct which your lordship observed in her Royal Highness during that period towards Bergami?—Bergami waited behind her Royal Highness's back, in the habit of a courier; it happened to me often to have the honor of sitting next her, and all that I saw was the behavior of any mistress of her rank to her servant waiting behind her; he often helped her and me to wine and to other things.

What was the conduct observed by Bergami towards her Royal Highness?—That of a servant.

Was it respectful, becoming his then situation, or otherwise?—I did not pay any particular attention, but if there had been any thing like disrespect, I must have observed it.

Has your Lordship mentioned the year?—This was in the year 1815.

What company did your Lordship meet at her Royal Highness's table during that period?—Mrs. Falconet and her two daughters, and Mr. Hownam, a Lieutenant in the Navy; Lady Charlotte Campbell, after she arrived, which was some days—about a week, perhaps,

after the Princess arrived; Dr. Holland also most days, I am not sure he did not all; and also some Genoese noblemen, one I particularly recollect, the Marchese John Carlo Negri, and some English gentlemen, I think some officers of the Navy, indeed, I am sure the Captain of the frigate that brought the Princess.

Did your Lordship see Lady Wm. Bentinck there?—I saw her at Genoa.

At her Royal Highness's?—Yes, I think I did, at a ball, and I believe, at a party; whether she dined there or not I cannot state.

Can your Lordship recollect attending any of the balls given by her Royal Highness?—The only ball I recollect, I was at.

Did your Lordship meet there the persons of rank of the place?—All the society I was in the habit of meeting, the principal ladies and gentlemen of the place.

Cross-examined by *Mr. Solicitor-General.*

Your Lordship did not live in the house?—I did not live in the House, nor Lady Glenbervie.

When Lady Charlotte Campbell arrived, which was after the interval of a week, Lady Glenbervie ceased to act in the situation she had before occupied?—Yes, she did; but she was often there at dinner.

How many times, on an average, might your lordship have dined there; two or three times in a week, or how often?—Yes, two or three times, or more.

Is your Lordship to be understood to state that Bergami at that time appeared in the dress of a servant? A fancy dress, the dress of a courier, according to my recollection.

Lady CHARLOTTE LINDSAY was called in, sworn, and examined by *Dr. Lushington.*

Did you ever form a part of the suite of her Royal Highness the Princess of Wales?—Yes, I did.

When did you first enter her Royal Highness's service?—I first entered her Royal Highness's service, I

think, but I cannot be entirely certain, in the year 1808.

Did your Ladyship attend her Royal Highness when she went abroad in 1814?—I did.

Was not your Ladyship one of the ladies of the bed-chamber?—I was.

How far did you go with the Princess of Wales upon that journey?—I accompanied her Royal Highness as far as Brunswick.

Why did your Ladyship not go further?—It never was understood by her Royal Highness, nor by me, that I was to go further than merely to accompany her to Brunswick.

When did your Ladyship again see her Royal Highness?—I saw her Royal Highness at Naples, in the beginning of March, 1815.

Did you then act as Lady of the Bed-chamber to her Royal Highness?—I did.

How long, then, did you continue with her Royal Highness?—I joined her Royal Highness the beginning of March, remained with her Royal Highness as long as she staid at Naples, left Naples with her Royal Highness, accompanied her to Rome, from thence to Civita Vecchia, then embarked with her on board the *Clorinde*, and quitted her at Leghorn, which was an arrangement that had been settled before we had met.

By whom was her Royal Highness visited while she was at Naples?—She was visited by all the English of distinction there, and by the Neapolitans of distinction, and other foreigners.

Would your Ladyship be pleased to state the names of some of those?—Lord and Lady Landaff, Lord and Lady Gage, Lord and Lady Conyngham, Lord and Lady Holland, and I believe, various others; Lord Clare, Lord Granville Somerset, Lord Frederick Montague, Lord and Lady Oxford, and many young Englishmen: Mr. Fazakerly, Mr. Davenport, Mr. William Bankes, Sir Humphrey and Lady Davy; there may be many others that I have forgotten.

Was her Royal Highness visited by Mrs. Falconet?—She was.

And her daughter?—And her daughter.

Was your Laydship on board the *Clorinde* with her Royal Highness?—I was.

Does your Ladyship remember where her Royal Highness slept?—On board the *Clorinde* her Royal Highness slept in a part of the Captain's cabin; it was divided into two; her Royal Highness slept in one half, and the Captain and his brother in the other half, with a partition between.

Did any one sleep in that division of the cabin in which her Royal Highness slept?—Yes, her maid.

Does your Ladyship recollect anything arising in consequence of the cabin being divided into two parts?—I recollect no particular, except that her Royal Highness rather expressed her surprise, that the other half of the cabin had not been appropriated to my use, instead of the Captain and his brother continuing to occupy it.

Did that occasion any difference between her Royal Highness and the Captain?—No, I did not observe any difference upon the subject of it: it was merely a remark she made to me.

Does your Ladyship remember a person by the name of Bergami being in the service of her Royal Highness?—I do.

In what capacity?—As courier.

Had your Ladyship opportunities of seeing what passed between her Royal Highness and Bergami?—I was often in company with her Royal Highness when Bergami was attending.

How did he conduct himself?—Just in the common way that a person in his situation would naturally conduct himself.

How did her Royal Highness conduct herself towards him?—In the same manner that a mistress would conduct herself towards a servant.

Did your Ladyship ever observe any impropriety of conduct between the Princess of Wales and Bergami?—Never.

When did your Ladyship quit her Royal Highness's service?—I sent in my resignation in the year 1817.

What was your Ladyship's reason for resigning?—

My brother wrote to me, requesting me to resign, and I complied with his request.

Has your Ladyship seen her Royal Highness since she has returned to this country?—I have.

Cross-examined by *Mr. Solicitor-General.*

How long was it before her Royal Highness quitted Naples that you joined her?—I should think about twelve days; ten or twelve days.

How much time was so occupied in proceeding from Naples to Leghorn?—We slept one night in going to Rome; staid two nights at Rome; I think we were six nights at Civita Vecchia, waiting for the frigate, and three nights on board the frigate.

Your Ladyship is understood to have then left Leghorn, and not to have returned again into the service of her Royal Highness?—I did not resign at that time.

You did not enter after that into the actual service of her Royal Highness?—I left Leghorn for the purpose of having my brother to escort me home to England.

During the time you were at Civita Vecchia did you see Bergami?—I did, every day.

Try and recollect with accuracy, whether you did not see him at Civita Vecchia, walking with her Royal Highness?—Her Royal Highness and I frequently walked out together, and Bergami attended: he did not walk with us, but he walked a little way behind, a short distance behind.

Did that happen every time you walked out?—Every time, as far as I can recollect.

Was there any other courier in the service of her Royal Highness at that time?—I believe Hieronimus was also a courier, but I cannot be entirely certain: he was with us.

Does your Ladyship mean to say, by saying that Hieronimus was with you, that he walked out with you?—No, I do not recollect that he walked out.

Have you the least doubt that he did not walk out with you?—I do not think that I had the honor of walk-

ing out above twice with her Royal Highness; I walked out with her every time she walked.

Your Ladyship was understood before to say, that you walked out several times with her Royal Highness? —I might have walked out with her three times, perhaps, but I do not at this moment call to mind above twice that we walked; but I cannot positively swear that we might not have walked out three or four times.

Perhaps your Ladyship will swear that you did not walk five or six times?—Yes, I can swear that.

You will not undertake to say that you did not walk out four?—No, but I think not.

But every time you did walk out, the courier who accompanied you then was Bergami?—Yes.

Will your Ladyship take upon yourself to swear, that upon no one of those occasions her Royal Highness walked arm in arm with Bergami?—I have not any recollection of her walking arm in arm with Bergami.

Will your Ladyship take upon yourself to swear she did not?—I have no recollection of it; as far as I can recollect, Bergami attended us at a little distance, unless he was called to be asked a question.

Your Ladyship is to be understood, that you will not swear that her Royal Highness did not walk, upon that occasion, arm in arm with Bergami?—I certainly do not recollect that she ever did walk arm in arm with Bergami.

But you will not swear that she did not?—I cannot positively swear, but I never was struck with it.

If such a thing had happened, must it not have struck your Ladyship?—I suppose it would have struck me; and therefore I imagine it did not happen.

But you will not swear it did not happen?—I will not swear, because she might have taken his arm upon some particular occasion; not that I recollect that she did, but it might have happened without my being struck with any thing extraordinary.

Your Ladyship was understood to state, that if she had taken his arm it would have struck you as something extraordinary?—If they had walked arm in arm, but she might have taken his arm.

But you think she might have taken his arm, though

they did not walk arm in arm?—She might have taken his arm, but I have no recollection of the circumstance.

Your Ladyship filled the office of Lady of the Bedchamber?—I did.

That office did not necessarily lead you into her Royal Highness's bedroom?—Very frequently it did; her Royal Highness sent for me very frequently.

At Naples?—At Naples.

Was her Royal Highness always alone upon those occasions?—Not always alone, certainly; sometimes there were persons with her.

Do you recollect ever upon any of those occasions seeing Bergami in the bedroom?—I saw him myself in the bedroom, for we used to dine in the bedroom. I dined in the bedroom with the Princess and William Austin, and Bergami used to wait upon us as a servant.

Was that during the time you were at Naples?—During the time I was at Naples.

Did any other person except William Austin and yourself and her Royal Highness dine upon those occasions in the bedroom?—No, I think nobody but we three dined; but other servants used to bring in dishes.

Did that happen frequently while her Royal Highness was at Naples, during the time you were with her?—Yes, that happened whenever her Royal Highness had not company to dinner, and excepting one day when I went to Pompei, and her Royal Highness gave me leave of absence the whole day.

Upon those occasions did Bergami always wait?—I think he did, but I cannot positively swear.

When was it that your Ladyship quitted the service of her Royal Highness?—In the year 1817.

Had any application been made to your Ladyship to join her Royal Highness in Germany, before you took the resolution of quitting?—Yes, there had.

How long before?—I cannot accurately remember how long before.

Was any proposition made about appointing Colonel Lindsay to the situation of Chamberlain to her Royal Highness?

Mr. Brougham objected to the question.

The Counsel were directed to withdraw, and the House adjourned.

OCTOBER 6.

The Right Hon. Lady CHARLOTTE LINDSAY was again called in, and further cross-examined by *Mr. Solicitor-General.*

Is there a garden in the neighborhood of Naples called La Favorita?—Yes, there is.

Did your Ladyship ever walk in that garden with her Royal Highness?—Yes, I did one day.

Was Bergami also present at the time?—He was.

Did your Ladyship, in going from Naples to Rome, travel in the same carriage with her Royal Highness?—I did.

Did Bergami ride as courier during that journey?—He did.

Did your Ladyship also go in the same carriage in the journey from Rome, after your Ladyship left Rome?—From Rome to Civita Vecchia. Yes, I did.

Did Bergami also ride as courier during that part of the journey?—I believe he did, but I have not so accurate a recollection of it as of the former part.

Does your Ladyship recollect, upon the former part of the journey, Bergami coming up to the window of the carriage, and addressing her Royal Highness, saying "A boire, Madame?"—I perfectly recollect his coming up to the carriage, but it was after he was called; we had provisions in the carriage, and her Royal Highness gave him some of the provisions out of the carriage, and something to drink.

Has your Ladyship a distinct recollection that it was after he was called?—I think it certainly was after he was called.

Is there any circumstance that enables your Ladyship to pronounce with certainty as to that?—No, but merely because it was more natural that he should not come till he was called to have some provisions given to him.

Then your Ladyship has no recollection either the

one way or the other, as to that circumstance, but it is a mere inference from reasoning in your own mind?—It is; there was nothing struck me as particular in the circumstance.

Was there any bottle in the carriage, which her Royal Highness handed to him?—There was a bottle of wine.

Did he drink from that bottle?—I think he did.

From the bottle itself, without any glass?—Yes, I think so.

Did he afterwards return that bottle to her Royal Highness?—I cannot be quite positive, but I fancy he returned the bottle; but I cannot be by any means positive as to that. Her Royal Highness and I had taken our refreshment before he was helped, and whether he returned the bottle to the carriage or not, or whether he threw the bottle away, I cannot be certain.

Although your Ladyship is not certain, to the best of your recollection, which way was it, did he return the bottle or throw it away?—I rather think that he returned the bottle to the carriage.

After your Ladyship had made up your mind to quit the service of her Royal Highness, did you not state that it was a vast relief to your mind having come to the resolution of quitting her Royal Highness?—I have no distinct recollection of having stated that.

When your Ladyship says you have no distinct recollection of having stated that, do you remember having stated anything to that purpose or effect?—No, I might have said that it was, but I do not know that I ever did.

Did not your Ladyship, after you had come to the determination of quitting her Royal Highness's service, say that it was a vast relief to your mind, having come to the resolution of quitting the service of her Royal Highness, and that you then considered that no woman with any regard to her character could remain in the service of her Royal Highness?—I certainly do not recollect ever having stated any such thing in such words.

Does your Ladyship recollect having stated anything to that effect?—No.

Will your Ladyship undertake to say that you did

not state the very words now made use of?—I have no recollection of having stated any such words.

Your Ladyship will not undertake to say that you did not make use of those very words?—I can say that I did not make use of those very words; I have no recollection of having made use of any such words.

Your Ladyship had before said you had no recollection of having made use of such words, and the question then proposed was, whether you would undertake to say that you had not made use of such words?—I can only say that I think it extremely improbable that I should have made use of such words; and I do not recollect that I did.

Your Ladyship is to be understood to say, you will not undertake to say that you did not make use of those words?—I can only say that I have no recollection of that; I think it very improbable.

Will your Ladyship undertake to say, that you did not make use of words to that effect more than once?—I have no recollection of having made use of words to that effect.

But your Ladyship will not undertake to say that you did not make use of those expressions more than once?—I can only answer as I did before, that I have no recollection, and I do not think it probable.

Did not your Ladyship say upon quitting the service of her Royal Highness, that if it had not been for an anxious desire to assist a particular individual out of the savings in that service, you would have quitted the service long before?—I think it is very possible I might have made use of those words. I do not distinctly recollect that I did, but I think it is possible.

Having recalled this little circumstance to the recollection of your Ladyship, did not the former conversation, to which allusion has been made, pass at the same time?—I have no distinct recollection at what time I might have said I was induced to remain, from the wish of assisting that individual from my salary. I have no distinct recollection when I said that, and I certainly do not think it was coupled with any words expressive of an ill opinion of the Princess.

Is your Ladyship to be understood that it was not so,

or that you merely think it was not so, coupled with such terms?—As far as I can recollect, it was not so.

But your Ladyship will not be positive?—I can only say that I have no kind of recollection of it, and that I do think it not at all probable.

Still your Ladyship is understood that you will not say positively that it was not so?—I have no kind of recollection of ever having stated that my resignation was on account of what you mention, that no woman of character could remain.

Your Ladyship will perceive that is not an answer to the question put, whether your Ladyship will say positively that it was not so?—I can only say I have not the least recollection that I said so to anybody.

Your Ladyship, in answer to a question put on the examination in chief, stated, that some communication had been made by Lord Guilford; was the conversation to which your Ladyship has spoken, and which your Ladyship recollects, after that communication from Lord Guilford?—I have not the least recollection whether it was before or after.

Does your Ladyship recollect, whether or not it was about the same time?—No, I do not recollect anything about the period at which the conversation you allude to might have taken place.

Was it after your Ladyship had actually resigned?—I do not know.

Are there no circumstances to bring that fact to your recollection?—Yes, I think that what I said about having continued in the service, in order that my salary might help a certain individual, must have taken place after the communication made me by my brother.

Re-examined by *Dr. Lushington.*

You have been asked as to communications which took place verbally upon the subject of your Ladyship's resignation; to whom was that communication made?—To my husband.

To any one else?—To no one else.

Is Mr. Lindsay a person in distressed circumstances?—He is.

Has he been so for a considerable period of time?—For some years.

Had your Ladyship ever any difficulty whilst in the Princess's service, with respect to the payment of your salary?

The Solicitor-General objected to the question, as not arising out of the cross-examination.

Dr. Lushington thought it was perfectly clear he had a right to put the question. Their lordships would recollect that a great part of the cross-examination of the Solicitor-General had reference to the circumstance of Lady Charlotte Lindsay having quitted the service of her Royal Highness, and that the examination was framed with a view of showing that the reasons of Lady Charlotte for resigning were such as affected the honor and dignity of her Majesty's reputation. He must then contend that he had a right to put questions, with a view of rebutting that cross-examination.

The Solicitor-General waived his objection.

The witness was again called in, and the question was put.

Yes, at one time there was a good deal of arrear due.

Did any other circumstance occur in the year 1817 to render your Ladyship's continuing in that situation disagreeable to you?—Yes, it would have been particularly disagreeable if my attendance had been required at that time, because I was under considerable depression of spirits.

Had your Ladyship at that time lost a near relation?—I had lost two.

Was it not the late Lord Guilford, and the late Lady Glenbervie?—Yes, it was.

Did you yourself observe anything in the conduct of her Royal Highness, any impropriety, to induce you to quit her service?—I myself never observed any improprieties in the conduct of her Royal Highness to induce me to quit her service.

The Right Honorable the Earl of LLANDAFF was sworn by the *Lord Chancellor*, at the table, and exmined by *Mr. Brougham*.

Was your Lordship in Italy in the year 1815?—I was.

Was your Lordship accompanied by the Countess?—I was.

Were you together at Naples during that year?—We were.

How long a period of the year were you at Naples together?—I went there the latter end of 1814, and I remained there till April, 1815.

Did you go there in November, 1814?—In November or December, I do not exactly recollect which.

But before the end of 1814?—Yes.

During that time did your Lordship frequent the society of the Princess of Wales?—I did.

Did your Lordship frequently visit at her Royal Highness's house?—Very frequently.

Was your Lordship at her Royal Highness's frequently in the course of a week?—Yes, I was certainly.

About how often in a week?—Once or twice a week.

Did your Lordship dine there?—I did frequently.

Did your Lordship frequent evening parties there also, at times when you had not dined there?—I did.

Did the Countess of Llandaff accompany your Lordship to her Royal Highness's house upon those occasion?—Most generally.

What society visited her Royal Highness in Naples at the same period with your Lordship and the Countess?—I think the generality of the English; all the Neapolitan noblesse of course.

During the time that you had that intercourse with her Royal Highness, did your Lordship ever observe any impropriety in her conduct?—No.

Did your Lordship observe anything in the demeanor or habits of her Royal Highness which made it at all unpleasant for you to permit the Countess to associate with her?—Not the least.

Was Bergami at that time in her Royal Highness's service?—He was.

Did your Lordship see him so?—I saw him constantly.

Did your Lordship see anything in the manner of her Royal Highness towards him, or in his manner towards her Royal Highness, that was at all improper?—Never.

Did your Lordship ever afterwards, after leaving Naples, again meet her Royal Highness in society in Italy?—I met her Royal Highness after that at Venice.

About what time of the year was that?—I think it was about June or July, 1815.

Where did your Lordship lodge at Venice?—I lodged at the Hotel Grande Bretagne.

Was the Countess with your Lordship there also?—She was.

Where did her Royal Highness then live?—Her Royal Highness was then in the same hotel: she had one side of the hotel, I had the other.

Did your Lordship renew your intercourse in society at that hotel with her Royal Highness?—I did.

Did the Countess also?—She did.

Did your Lordship observe anything there of an improper description in her conduct or demeanor?—Not the least.

Did your Lordship ever happen to go into her Royal Highness's chamber while living in the same hotel?—I have occasionally gone in there in the morning, her sitting-room being immediately opposite my sitting-room.

Did your Lordship on those occasions knock at the door before going into the room?—I cannot take upon myself to say whether I did or did not.

Does your Lordship recollect ever having gone in without that ceremony?—I cannot take upon me to say; I rather think I have, for this reason, I had a child that her Royal Highness took a fancy to, and I used to walk in with the child into her Royal Highness's room.

Did your Lordship say you ever recollect having knocked before you went in?—No I do not.

Your Lordship does not recollect having knocked any more than not having knocked?—No.

Has your Lordship lived for any considerable time in Italy, besides those different months you have mentioned?—Yes, I have.

A good deal?—Two years.

Does your Lordship know whether it is the practice in Italy for men as well as women to be in ladies bed

chambers in the course of the morning?—I think it is a very common practice in Italy for men to attend ladies rooms as much as women.

Is it an ordinary practice in Italy for men to see ladies in their bed in the morning when they call?

The Attorney-General objected to the question.

The counsel were informed that the witness must state whether it was from his own knowledge he spoke.

Mr. Brougham.—Your Lordship is requested to speak from your own knowledge, and your own practice and experience?—I have seen many ladies in bed in a morning.

Was that in the ordinary intercourse of society?—It was.

Were those ladies of unimpeachable conduct and character?—They were, as far as I know.

Did your Lordship at the same time see other gentlemen enjoy their society in the same manner?—I have.

And at the same time with your Lordship?—At the same time my brother and I were together; and we have frequently gone together into rooms where ladies were in bed.

To make a morning visit?—To make a morning visit.

Cross-examined by *Mr. Attorney-General.*

When was it that your Lordship was at Venice when her Royal Highness was there?—It was either June or July in the year 1815.

Was Bergami with her Royal Highness at Venice?—He was.

In what situation was he then, does your Lordship know?—As courier.

Did your Lordship dine with her Royal Highness at Venice?—Not at Venice.

At any other place than at Naples did your Lordship dine with her Royal Highness?—I did not; I never met her at any other place than Naples and Venice.

How long was your Lordship at Venice whilst her Royal Highness was there?—I remained at Venice, I think, about two months.

How long was her Royal Highness there at that time?—I do not recollect; she left the hotel, and I cannot state how long she remained there.

You have been asked whether you were in the habit of visiting her Royal Highness, and going into her chamber without notice; did your Lordship mean her bedchamber?—No, certainly not; her sitting-room.

The Honorable KEPPEL CRAVEN was called in, and examined by Mr. Denman as follows:

In the year 1814 you were in the service of her Royal Highness the Princess of Wales, as one of her Chamberlains?—I was.

Did you leave this country with her, and go to the Continent in that character, in the course of that year?—I did not leave this country with her; I joined her Royal Highness at Brunswick.

Did you accompany her Royal Highness from Brunswick to Milan, and from thence to Naples?—I did.

When you joined her Royal Highness at Brunswick, was it settled between her Royal Highness and you, how long you should remain in attendance upon her?—Not exactly the time, but as much space of time as my affairs would allow me to give up to her Royal Highness.

How long, in point of fact, did you remain in attendance upon her Royal Highness's person?—I remained rather more than six months.

Where did you leave her?—At Naples.

And why did you leave her?—It was always understood, when I entered her Royal Highness's service, that I could not stay with her more than two or three months; when I arrived at Naples, I found that I could remain with her as late as the month of March, and I therefore informed her Royal Highness of this, and she was pleased to continue my services with her.

Did you in fact stay three months longer than you originally intended to stay?—I staid about four months longer than I had intended to do; for when I first set out, I did not expect to stay above two months with her.

Do you remember when you were at Milan with her

Royal Highness, that any courier was discharged for misconduct or any other cause?—There was no courier discharged at Milan, but he was to be discharged afterwards, and another was to be found at Milan to supply his place.

In consequence of that, did you apply to the Grand Chamberlain of the Emperor of Austria, to find a person of that description?—I applied to the Marquis Ghisiliari, who had been appointed by General Bellegarde to attend upon her Royal Highness whilst she was at Milan, in capacity of Chamberlain.

Did he mention any person to you, to supply the place of that discharged courier?—Yes, he did.

Who was that?—A person whom I found afterwards to be called Bergami.

Will you be so good as to state, whether he recommended Bergami as a fit person to be received and trusted in the service of her Royal Highness?

Mr. Solicitor-General objected to the question.

The counsel were informed, that it appeared to be part of the transaction.

The question was then put, and the witness said—He did; he recommended him very strongly.

Did he state whether he had any knowledge of the family of Bergami?—He said he had known his family a great while, and that he was interested about him.

The Solicitor-General here repeated the objection which he had just before taken to the evidence, and maintained that the last question and answer ought to be expunged from the minutes.

Mr. Denman, on the contrary, maintained that all which had occurred was material evidence. He should wish to argue the question.

The Lord-Chancellor observed that whilst that point was discussing, the witness ought to withdraw.

The witness accordingly stepped from the bar.

The Lord-Chancellor then called upon Mr. Denman to state the question which he wished to argue.

Mr. Denman.—The question was, whether the last two questions and answers were to stand upon the minutes, and whether he was to be allowed to continue his examination as to the family of Bergami. Now, he did

not wish that either those questions should stand upon the minutes, or that his examination into the family of Bergami should be allowed to continue, unless they were necessary to show that the family of Bergami was respectable, the allegation of the bill being that he was a foreigner in a low situation—a menial servant, promoted highly beyond his merits. Now, if he proved that Bergami had been recommended to her Majesty, by the highest authority, as a person whose family was respectable, though in reduced circumstances, and whose conduct was such as entitled him to consideration, and rendered him a fit object for promotion, he apprehended that he had shown sufficient cause why her Majesty had given to Bergami that promotion which it was now imputed to her as a crime that she had given; and it was therefore impossible to prevent him from showing that her Majesty's motives were pure, unless they wished to preclude him from entering into her defence altogether.

Mr. Brougham was proceeding to enforce the same argument, when he was interrupted by

The Lord-Chancellor, who said that, to save time, he would take the liberty of declaring, that if what had been said to the witness by the Marquis Ghisiliari had been afterwards repeated to her Majesty, it might be admitted as evidence, because the manner in which her Majesty's mind had been influenced on this subject was most material.

Mr. Brougham.—My lord, our object is to show the manner in which it was influenced.

The Lord-Chancellor informed the counsel, that if what was stated to the witness was afterwards represented to her Majesty, that representation of it formed a ground on which the evidence might be admitted, for that the representation to her Majesty, and its influence on her future conduct towards that individual, might be material; that it must not be taken as proof of the fact represented, but that there was a representation true or false made to her Majesty, on which she might be supposed to have acted.

The witness was again called in and asked:

Did you know anything of Bergami before the Mar-

quis Ghisiliari recommended him to you?—Not at all.

Were you desired by the Princess of Wales to make inquiry for such a person?—I was.

Did you communicate to her Royal Highness the the result of the inquiry you had made of the Marquis?—I did so.

Have the goodness to describe what it was that you communicated from the Marquis as to the character of the individual engaged?—I told her Royal Highness that the Marquis Ghisiliari had a person that he wished to recommend to the situation of courier, and that he could recommend this person very strongly, having known his family some time, and wishing to obtain a good situation for him; that was as far as I recollect what I said to her Royal Highness upon the subject.

Did you state anything to her as to the situation in which he was hired, in which he was engaged?—I think Marquis Ghisiliari told me that he hoped the man might remain in the situation.

Did you communicate, to the best of your recollection, what you are now stating to her Royal Highness?—Yes, I communicated all that the Marquis said to me to her Royal Highness.

Have the goodness to state what the Marquis said as to the probability of promotion?—He said, that he hoped if he behaved well he would be continued in the family.

Was anything said about advancement or promotion?—Yes; Marquis Ghisiliari said that he hoped he might remain as a servant out of livery in the house when her Royal Highness stopped anywhere.

Did he state anything as to what he knew of his family, anything more particular than what you have mentioned?—I do not recollect that he said anything particular, except that he had known him a great while, and that he wished to be of use to all of them.

Did it ever happen to you to see the Marquis and Bergami together?—Yes, at Milan and at Placenza.

Did you observe the manner in which the Marquis treated Bergami on those occasions?

Mr. Solicitor-General objected to the question.

Among the recommendations you carried to her Royal Highness of the persons recommended to her service, did you mention the manner in which he was received and saluted by the Marquis Ghisiliari?

Mr. Solicitor-General objected to the question.

What recommendation did you mention as reasons for her Royal Highness receiving this person into her service?—Marquis Ghisiliari told me he had known him and his family a long while, that he wished to be of use to them, and that he was particularly interested about him also, as he had served some friends of his, as I understood.

You went to Naples with her Royal Highness?—I did.

On your approach to Naples, were you met by any persons at some distance from that city?—We were met by the then King of Naples; but first of all by some of his officers.

Do you recollect whether you took refreshment anywhere on the way?—We slept three nights on the road.

At what time, in point of fact, did you enter into Naples?—Naples itself we entered on the eighth of November, about half an hour before dark.

What time by the clock would that be?—Half-past six, I should think.

Did you go that night to any house that had been taken for her Royal Highness?—Immediately on our entering Naples, we drove to the house that had been taken for her.

Did her Royal Highness then take possession of it?—She did take possession of it.

Do you recollect whether there was anything particular about the arrangement of that house, in respect of its convenience for the party that first night?—It was very inconvenient, for Sir William Gell and myself had two very bad rooms.

Was there anything generally observed about the want of accommodation for the suite?—There was not room enough for the whole suite by any means.

Were you and Sir William Gell able to continue in the same house, or did you take lodgings elsewhere the following day?—It was agreed we should take lodgings

as soon as ever we could find them, and we looked for them the next morning, in the course of the next day.

Do you recollect any particular persons calling on her Royal Highness on the following day?—The King and Queen of Naples called upon her.

Do you know where she dined on the first day after her arrival?—She dined at court.

Was there any entertainment given at court after dinner?—There was a concert.

Do you know how late her Royal Highness remained at that concert?—About half-past eleven, I should think.

Did you leave the concert with her Royal Highness?—Yes, for I was in waiting.

On the evening next following that, that was the second entire day of her Royal Highness being at Naples, do you remember where she passed her evening?—She went to the opera.

Did you go with her Royal Highness to the opera?—All her suite went with her.

Did any other persons go with her to the opera?—She went from her own house to the palace, and from the palace, with all the court, and their retinue, to the opera.

Do you remember the box which was provided for her at the opera?—She sat in the state box with the King and Queen.

Was there any illumination in the house that night?—The theatre was entirely illuminated.

Did you return particularly early from the opera that night, or how?—The opera at Naples always ends very late, and we stayed till the end of it.

Can you state whether it ended earlier or later than usual on that evening?—I should think it ended rather later, for it began later.

What is the usual hour at which the opera may be said to end in Naples?—It varies, because it begins later in the summer than in the winter.

In November?—It depends upon the length of the dance also.

Have you any recollection of the length of the dance

on that evening?—Yes, it was very long and very tiresome.

Did her Royal Highness and her suite remain till the whole was entirely concluded?—Till the curtain dropped.

Do you remember a masked ball that was given by her Royal Highness, as a compliment to the reigning King of Naples?—I do.

Do you remember any dress that her Royal Highness wore upon that evening?—I remember she had three dresses; two of them I recollect perfectly well; the other I do not remember so well, because I only saw her for an instant.

Will you mention the two that you remember?—One was a Turkish dress, I think, and the other was that of a Neapolitan peasant; the third was the Genius of History, as I was told.

Did you see that dress which you were told was the Genius of History?—I saw it for a short time.

Upon her Royal Highness?—Upon her Royal Highness.

That night?—That night.

Be so good as to state to their Lordships whether that dress was in the smallest degree indecent or improper?—I do not recollect that it was at all indecent.

Do you recollect particularly as to the breast?—I think it was a dress of white drapery, that came up very high, as far as I remember.

Do you remember what dress it was that her Majesty wore before she put on that?—I do not exactly recollect, but I think it was the Turkish dress; it must have been the Turkish dress, because the last she wore was the Neapolitan peasant.

As far as you recollect at this distance of time, would it or would it not have been possible to have put on the dress of the Historic Muse over that she wore as a Turkish peasant?—I really do not know, because I took no notice of the Turkish dress much; it might have been put over some part of it certainly.

Then, according to your recollection, would it have been necessary that the dress should have been entirely

changed when her Royal Highness shifted from that of a Turkish peasant to that of the Historic Muse?—Not necessary entirely.

Bergami was engaged, you say, at Milan?—Yes.

Did he attend her Royal Highness from Milan to Naples, and continue in her service during her residence there?—Yes.

Did you observe any impropriety of conduct, or any degrading familiarity between her Royal Highness the Princess and Bergami, during the time between the engagement at Milan, and the departure of her Royal Highness from Naples?—Never.

Have you dined subsequently at table with her Royal Highness and Bergami?—I have.

Has that happened frequently?—Three times.

Upon any one of those occasions did you observe any sort of impropriety of conduct between those two individuals?—Never.

Do you know the Countess of Oldi?—I have seen her once.

Is she a person of vulgar manners?—No.

Do you remember having any conversation with her Royal Highness before she arrived at Naples, upon the subject of William Austin?—Yes.

Have the goodness to state what it was?—I think that I told her Royal Highness, before we came to Italy, that it would be as well that William Austin should no longer sleep in her Royal Highness's room.

Did you state any reason for giving that advice?—I said that the people in Italy might make some observations upon it.

Was anything said about his age?—Yes, I said he was of an age that might give rise to those observations.

Of what age was he then?—I do not exactly know what age he was.

Was he six or seven?—No.

How old do you think he was?—Thirteen or fourteen, according to my idea; I do not exactly know what age he was; I only went by his looks.

Did you dine with her Royal Highness at Naples generally?—Whenever she had company.

Amongst that company did you ever see the Baron Ompteda?—Yes, very often.

On those frequent occasions when you have seen him at her Royal Highness's table, do you recollect whether a person of the name of Theodore Majocchi had any opportunity of seeing him?—Yes, he must have had an opportunity of seeing him, for he waited at table.

Did he wait habitually at table?—Every day when there was company.

On the death of his late Majesty did you attend the Queen at Rome?—I came to Rome very soon after that event, and I waited upon her Majesty the day after my arrival.

How long after that did her Majesty leave Rome?—I think she left Rome the day after I was with her.

Was the Baron Reden, the Hanoverian minister, at Rome at that time?—He was.

Is the Marquis Ghisiliari now alive?—No, he is dead.

Cross-examined by *Mr. Solicitor-General.*

Do you recollect where that conversation took place about William Austin?—I cannot recollect the place, but it must have been soon after we left Brunswick.

Were you rightly understood that that was the recommendation you gave to her Royal Highness with reference to Italy?—It was.

Then that was a recommendation that was prospective on your part?—It was so.

You have mentioned that you saw the Countess Oldi once; will you have the goodness to mention where that was?—It was at Pesaro.

Did you dine at Pesaro upon that occasion?—I did so.

And you saw her at dinner?—I saw her at dinner.

You have mentioned that you dined at the same table with Bergami three times; have the goodness to mention when that was, and where the first?—The first time was at Pesaro; that was supper, not dinner.

Were the other occasions also at Pesaro?—One was at Pesaro, and the last was at Rome.

Was that at Rome upon her Majesty's way to this

country ?—It was the day before she left Rome for this country.

Did you accompany her Majesty ?—No.

You parted with her at Rome ?—I did.

You are understood to say, that, at the masked ball at Naples, you took no particular notice of the third dress, the dress of the Genius of History ?—That was the second dress ; I saw it for so short a time I had not time to take notice of it.

Did you see Bergami at that ball ?—I do not recollect that I did, but all the servants were there.

Did you go up into her Royal Highness's room ?—No.

No part of the evening ?—No part of the evening.

You have been asked whether, in your judgment, it was necessary to take off the whole of the first dress for the purpose of putting on the second ; whether it was or was not taken off, can you say or not ?—I cannot say whether it was taken off, or whether it was not.

Did you and Sir William Gell live out of the house during the whole of the time you were at Naples, except the first day ?—We were in the house for, I think, two nights ; we slept there.

The rest of the time you lived out of the house ?—Entirely : we dined in the house.

Did you not usually come to the house merely for the purpose of dining ?—We took our waitings by turn, and the person who was in waiting was in the house all day long.

Where was the room in which you waited, in reference to her Royal Highness's apartment ?—It was in the end room of the front suite of rooms, and there were two rooms between that and her Royal Highness's bed-chamber.

You have said something as to the disposition of the rooms on the first night of your arrival at Naples; do you yourself personally know what that disposition was ?—I only know with regard to my own rooms and those of her Lady in Waiting.

Was there no circumstance that had led you to know in what room Bergami slept the first night ?—No.

Or what room was appropriated for him the first

night of your arrival at Naples?—No, I heard nothing mentioned about it.

Did you ever, either to Lady Charlotte Lindsay, or to any other person, state that you had made a representation to her Royal Highness as to what had been observed with respect to her Royal Highness and Bergami on the terrace of the garden attached to the house at Naples?—I did so: I did not mention it to Lady Charlotte Lindsay, but I mentioned it to a person at Naples; I mentioned that I had spoken to her Royal Highness about it; it was with regard to what I had observed.

What you had seen?—Yes.

Have the goodness, then, to state what it was that you saw, and what you represented?—I saw her Royal Highness walking in the garden, and Bergami was near, he was walking in the garden; I knew there was a spy at that time at Naples; I had had information of it from England; that being the case, I thought it necessary to caution her Royal Highness with regard to any outward appearance that might be misconstrued.

When you say you had information from England, was that by letter?—It was by letter.

Was any other person in the garden except her Royal Highness and Bergami, at the time to which you allude?—She said there was.

Did you see any other person?—No, because she walked on a sort of terrace, which was much higher than the rest of the garden; there might have been other persons whom I did not see.

Do you know whether that terrace was near to the small cabinet that was contiguous to the room of Bergami?—I cannot tell, for I never was in the garden, or in any part of the house.

Where was the spot from whence you saw her Royal Highness?—From the terrace on the opposite side of the house, near the Lady in Waiting's apartment.

What apartment was that; was it the apartment of Lady Elizabeth Forbes?—It was so.

Was that terrace on the same elevation as the terrace on which her Royal Highness was walking?—No, it was higher.

When you say it was higher, do you mean that the terrace near the apartment of Lady Elizabeth Forbes was higher than the other?—I think so.

Where was Bergami on the terrace?—He was on the same level with her Royal Highness.

How far was her Royal Highness from the corner of the building which terminates that terrace?—She was walking along the place.

How long did you see her there?—Only from one end of the terrace to the other, as she walked up.

During that time you saw no other person but Bergami?—I could see no other person but Bergami during that time.

Was that the only time that you ever saw her Royal Highness and Bergami, in the garden together?—The only time.

How long was that after your first arrival at Naples, as nearly as you can recollect?—Not very long, for they were doing some alterations in the garden.

State as nearly as you can tell, whether it was a week, a fortnight, or a month?—I really cannot say exactly how soon it was.

Was it a fortnight or three weeks?—I should say more than a fortnight.

And less than a month?—It might be a month.

Did her Royal Highness tell you who that other person was that was in the garden?—She said there were workmen in the garden.

Her Royal Highness did not tell you there was any other person in her company in the garden?—No; she said she had taken Bergami in there to speak to the workmen.

When you saw her Royal Highness there, however, she was walking on the terrace?—She was.

And Bergami was also on the terrace?—He was walking also.

In the same direction as her Royal Highness?—Yes.

What was the business about which the workmen were employed?—I never was in the garden, but I understood—

Do you know of your own knowledge?—Transplanting trees.

Do you know whether there were, in point or fact, any workmen?—Yes, I know there have been workmen employed in the garden.

At the time when you saw her Royal Highness and Bergami walking, did you see any workmen in the garden?—No, I did not.

From that terrace, which is contiguous to the apartment occupied by Lady Elizabeth Forbes, had you not an extensive view of the garden?—No.

Do you not see from that terrace to the extremity of the building?—The house?

And the garden in front of you?—The garden is not in the front of the house, the garden is only at one end of the house.

The garden is in front of the house in which you were standing?—The garden was in front, but there was a terrace that was higher than the rest of the garden, and that was the terrace on which her Royal Highness was walking.

Then if there were any workmen, they were down below?—Yes.

But you in point of fact, saw none?—I saw none.

Were you ever in the garden yourself?—Never.

Do you know, of your own knowledge, whether any workmen were employed there?—I heard so.

You do not know it of your own knowledge?—I never saw any.

How long before her Royal Highness quitted Naples did you leave her service?—I did not leave it till she quitted Naples.

Do you remember a short time before that, Bergami coming into the room where you and Sir William Gell were?—He came in very often when we were in waiting.

Do you remember his coming in, not in his dress of courier, but in a black dress?—He never wore his dress of courier after coming to Naples.

Do you remember his coming at any time into the room in which you and Sir William Gell were, and taking a chair?—Never.

No such thing ever happened in your presence?—Not in my presence.

Of course you have never stated such a thing?—Certainly not.

Were you ever at the theatre San Carlos?—Very often.

With her Royal Highness?—Whenever I was in waiting and she went to the opera, I attended her, and sometimes when I was not in waiting.

Were you ever at the theatre San Carlos when her Royal Highness was there, and you were not of her party?—Yes.

Were you there ever at a masquerade when she was there masked, when you were not of her party?—I never was there when she was at a masquerade; I never was at a masquerade but once while she was at Naples. I understood the first question to refer to San Carlos with regard to the opera.

During the whole of the time you were at Naples, Bergami acted in the capacity merely of courier?—No.

And waited at table?—He waited at table every day.

How many other couriers were there at that time?—There were no others.

What was Hieronimus?—He was courier while we were travelling, but he was considered as page, I believe, when we were not travelling.

Sir WILLIAM GELL was then called in, and having been sworn, was examined by *Mr. Williams*, as follows:

You are chamberlain of her Majesty the Queen?—I am.

How long have you been in the service of her Majesty?—From about a month before her Majesty went abroad.

Did you accompany her abroad?—I did.

To Brunswick?—Yes.

And thence into Italy?—I did.

Do you remember a courier being discharged when you arrived in Italy?—I do.

Where was that?—I believe he was discharged at Florence; but it was agreed he should be discharged when we were at Milan.

Did you make any application to any person for another to succeed him?—I forget whether I made an ap-

plication, or whether the Marquis Ghisiliari came and offered a person to us.

Had you a communication with the Marquis Ghisiliari upon the subject?—I had.

Did you communicate to her Royal Highness what was communicated by the Marquis upon the subject of the person he recommended?—I believe I did; most likely I did.

Who was in fact recommended?—A person of the name of Bergami.

What recommendation did the Marquis give of Bergami?—He said he had known his family.

Did you communicate this to her Royal Highness?—I believe so.

(*By a Lord.*)—Are you certain of it?—I am not quite certain.

Mr. Williams.—Were you employed by her Royal Highness at the time to make inquiries of the Marquis on the subject?—Oh, certainly.

Upon recollection, did you or did you not report to the Queen, the Princess then, the account you had received from the Marquis of this person?—As far as to say that he was a proper person.

Are you to be understood that you mentioned to her Royal Highness the recommendation given by the Marquis?—Mentioning, I cannot say but in conversation, what had passed in conversation, but not as a decided embassy to her Royal Highness upon the subject.

In conversation in any manner did you mention to her Royal Highness what had been reported respecting Bergami by the Marquis?—The conversation passed when her Royal Highness was in the room, and she must have heard it.

The Marquis, the Princess of Wales, and you were in the room together?—The Marquis mentioned it very often.

Did the Marquis ever mention the subject of Bergami, and the recommendation of him, in the hearing of the Princess?—Certainly.

Upon those occasions, or any of them, when her Royal Highness was present, what recommendation of Bergami did the Marquis give?—He said he had known his

family, that had fallen into distress from the circumstances which attended the French revolution; that as to the man himself, he could answer for him being perfectly honorable, honest, and trustworthy, on every occasion on which he might be employed.

Can you recollect whether he stated anything more in the recommendation of Bergami, in the presence of her Royal Highness?—He stated that he was above the office into which he was about to enter, and that he hoped, if he behaved well in the family, as he had no doubt he would, he would be gradually advanced.

Did you ever see the Marquis Ghisiliari and Bergami together, either in the same room, or meeting by accident in the street?—I remember when we quitted the Marquis Ghisiliari at the Placenza, being myself already in the carriage, that I saw the Marquis Ghisiliari take leave of Bergami.

Mr. Parke objected to the evidence.

The witness was directed to withdraw.

Mr. Parke objected to this question as irregular. He could not consent to the witness stating anything in this way as matter of opinion.

Mr. Denman rose to support the propriety of the question.

Sir William Gell was then ordered to withdraw.

Mr. Denman contended for the propriety of the question just put. He said it lay upon her Majesty's counsel to show that Bergami was not a person of that low and despicable rank which the other side attempted to show. It was surely evidence of his situation in life, to show in what view it was held by a marquis who was the chamberlain and representative in Italy of the Austrian government. Looking therefore at this question, not according to the little technicalities of law, but as a great and leading and necessary question in behalf of her Majesty, he must say, that if it were not allowed to be put, the greatest injustice would be inflicted.

Mr. Williams then contended, that, in point of strict law, comparatively unimportant as was that consideration, he was strictly regular in putting the particular question. Suppose he had stood a mute behind the table of any noble lord who heard him, and that on a fu-

ture occasion he was seen treated by the condescending familiarity of another peer as an equal, would it not be competent for him to adduce the evidence of anybody who had seen the familiarity displayed, for the purpose of rebutting any inference that might be drawn from the previous circumstance?

The Lord Chancellor said that the opinion of the manner of anybody was not evidence, but if any act was seen done by the parties, then the act might be made evidence.

The witness was again called in, and asked:

Be pleased to state to their Lordships in what manner the Marquis Ghisiliari conducted himself towards Bergami when he took leave of him?—Bergami was, I believe, about to mount his horse; the Marquis Ghisiliari being in his uniform as chamberlain of the Emperor of Austria, and with his key as chamberlain, denoting what was his employment at the moment, took Bergami round the neck in the street, and kissed him twice before all the people; which we observed, as it was a singular thing when people were just come out of England, though a common custom in that country.

When you say the common custom in that country, is it the common custom between equals and gentlemen?—Between equals, and perhaps not otherwise.

Among the higher ranks is it not the custom?—It is the common custom among gentlemen.

Do you remember the Princess of Wales and her suite arriving nearly at Naples, approaching Naples?—Certainly.

Was she met by the then King Joachim?—At Aversa.

That is a small distance from Naples?—About six miles.

Do you remember whether the house to which her Royal Highness went at Naples was sufficient for her and her suite?—It was not sufficient for the suite, though it was a very good house.

Was there room enough for them there?—There was not.

Do you remember whether her Royal Highness was called upon by the Queen of Naples the following morning?—I believe she was.

Do you remember how her Royal Highness disposed of that evening after the call from the Queen of Naples?—I remember very well, because I attended her myself; her Royal Highness was invited by the Queen of Naples to a concert in the palace.

Do you remember how late her Royal Highness remained at the concert?—I should think between half-past eleven and twelve was the time when she quitted it.

Do you remember anything with respect to the state of the Queen at that time, at the concert?—No, nothing particular.

As to her being tired?—Tired, exceedingly tired and annoyed with the length of the concert; it was a very long concert, and very tedious.

On the following evening do you know where the Queen went?—I do, because I was in waiting.

Where to?—To the Theatre of San Carlos, in state.

What Company was there in particular?—I remember everybody that was there; it was in the state box of the theatre, which was splendidly illuminated for the Princess of Wales; the company was the King and Queen of Naples and the Princess of Wales.

What was the entertainment?—It was the opera of Medea, and the ballet I remember also.

How long did her Royal Highness remain?—I remember very well, because I was very lame, and had to stand behind her Royal Highness the whole night, and it must have been at least twelve, if not half-past twelve.

Do you remember the manner in which her Royal Highness went back from the opera?—In the usual manner, in her own carriage, in state, attended by myself and those of her household usually employed on those occasions.

Was there not a garden nearly attached to the house in which her Royal Highness resided at Naples?—Yes, there was.

Do you know whether there was any alteration in that garden, either in transplanting trees or improvements?—The garden had been cleaned up and the trees nailed against the wall; they were in a confused state, lying over the paths, which is custumary in that country.

For what purpose had there been workmen in that garden?—I saw workmen nailing up trees that had fallen from the walls over the paths.

You saw that yourself?—Yes, I did.

How soon was that after the arrival of the Princess at Naples, that you recollect the workmen being in the garden?—That I really cannot tell.

Do you remember an entertainment being given by her Royal Highness to Joachim the King?—Exceedingly well.

Were you present?—I was in waiting again myself.

Do you remember at any particular part of that entertainment, there being the ceremony of crowning the bust of the King, or any thing of that sort?—I remember it perfectly well.

Just state what it was?—The company had expected that something was to be seen at the opening of a certain door; after a long time the door did open, and there appeared two Neapolitan ladies, the Duchess of Civitela and the Countess of Derri; I think the Duke of Casarano, with a trumpet; the Princess of Wales came down with a wreath of olive or ivy, of olive, I think, and placed it upon the head of a bust; the door opened, as it might be so; the scene was shown, and the door closed in as much time as I do it, and no longer.

Do you remember the particular dress of the Princess of Wales upon that occasion?—I remember it perfectly well; it was a dress which I should say is best exemplified by the figure of the Townly Curiatius in the British Museum, or Mr. Hope's Minerva; it was meant to imitate one of those statues.

Was there any thing indecent or indecorous in the style or nature of that dress?—The whole world is capable of judging; those statues are very much draped, completely covered.

In point of fact upon that occasion was the dress of the Princess of that description?—As nearly imitated as dress of that kind can be imitated, as it appeared to me.

Were the Duchess and Countess you have mentioned to their Lordships in an appropriate dress also?—Something in the same sort of dress; but the door was open

so short a time, that it was almost impossible to discover anything with accuracy; it was almost like a flash of lightning; it was meant to represent that.

Did you attend the Princess further than Naples or not?—I remained at Naples.

What was the cause of that?—Because I was tired of travelling with the Princess, particularly in the winter; and I really was not able to attend her in the way in which she travelled.

Why not?—Because I had the gout very frequently, and had it very often while I was travelling with the Princess.

Did you see her Royal Highness again after that time?—Several times.

Where first after her Royal Highness quitted Naples?—On her return from her tour in Palastine, I met her on the road and accompanied her to Rome, and then went into waiting.

Did she apply to you to come into waiting?—It became a matter of course; I do not remember the words of any application.

How long did you remain in waiting at that time upon her Royal Highness?—As long as her Royal Highness remained at Rome.

Do you remember whether upon that occasion any persons of distinction waited upon her Royal Highness?—I remember very well, as I presented several myself.

Mention any that occur to you now?—The Count de Blacas, the French Ambassador. I remember it from a remarkable circumstance, that he introduced himself with the Ministers of the House of Bourbon. I remember observing that the Minister of the House of Braganza, and others, came rather in a manner extraordinary, because they were called the Ministers of the House of Bourbon; they announced themselves as that on the staircase; the Portuguese Minister.

In what year was this?—It was on her Royal Highness's return from Turkey.

Had she been some time returned from the long voyage then, do you know?—No, because I met her on the road.

In the year following, were you again in attendance

upon her Royal Highness?—I was in attendance upon the Princess when she was at the Villa Ruffinelli, at Frascati, and at the Villa Brandi, the same year.

How long did you remain in attendance upon that occasion?—About three months, rather more than less.

At that time do you remember whether any persons of distinction visited her Royal Highness?—A great many.

What was the reason why you did not continue longer in attendance upon her Royal Highness than the three months you have described?—Because her Royal Highness was going to the north to settle some of her affairs, and she gave me leave to go to Naples.

Where was her Royal Highness going to?—She had an idea of going to Como; a large party was invited to go with her Royal Highness to Como; the Prince of Saxe Gotha, and several other persons; but she found it convenient to sell the villa at Como; and that put off the whole party; the Princess Dietrichstein was also to be of the party.

Have you been in attendance upon the Queen after that time, till lately?—I have been in attendance only for a few days, while the Princess as Queen passed through Rome the last time.

Upon that occasion were you employed to apply for a passport for the Queen?—No, I was not; that had been done before by Mr. Dodwell.

Did you yourself see the passport?—I saw the order for the post horses, which I considered as a passport, signed by the Secretary of State.

Do you mean that you saw the Secretary of State himself sign it?—I saw the order for the post horses, with the Secretary of State's name, Gonsalvi, written under it; and several other gentlemen were called to witness the same fact, whom I can name if it should be necessary.

That passport is left at the first stage you come to?—I believe it is given to the post-master.

You did not get it along with you further than the first stage, at all events?—I believe it is given to the post-master, which was the reason why four gentlemen

were called to witness the manner in which it was made out.

How was it made out?

The Attorney-General submitted that his learned friend was now entering on a course of examination that was objectionable on two different grounds. In the first place, the contents of a written instrument were not, by a fundamental principle of law, admissible in the shape of parol evidence. At the same time, he thought it manifest that the circumstances to which this part of the examination was directed were not material to the question which their lordships had to try.

Mr. Denman said, that in answer to these objections, as briefly stated on the other side, he had to remark that the rule of law, as observed in practice, was to receive evidence regarding the contents of a written instrument, if that evidence was shown to be material to the general issue. It had already appeared that, conformably to usage, the passport in question was left with a post-master in Italy.

The Earl of Liverpool begged to remind the learned counsel that it was not a regular passport, but an order for post-horses.

Mr. Denman.—It operated as a passport: according to the strictest rule observed in the strictest court, he was entitled, after previously indicating the materiality of the question, to render evidence as to the contents of any document. If his learned friend (Mr. Williams) were allowed to pursue his examination, he would assure their lordships that very important facts would be discovered. He would undertake to say, that the questions put by his learned friend, upon this subject, were most material, as affecting the interests of his royal client. It would be proved, if their lordships received the information, that in this passport, or post-horse order, or document of some kind, her Majesty was treated by the secretary of his Holiness in a very extra-

ordinary manner. They should find that his excellency thought proper to describe her in that document as the "Princess Caroline of Brunswick," after being fully apprised that she had become Queen-consort of England. The Pope's Secretary of State waited not for any judgment of the British legislature,—he wished not for any act of Parliament to dethrone and degrade a Queen, in order to justify his conduct. He would undertake to say, that, if not restrained, a great deal more of important matter would be adduced. It might possibly appear that the Secretary of his Holiness had acted in this way at the instigation of the Hanoverian ambassador—he meant the Hanoverian minister at the Papal court. It might be shown that all the means which are of usual force to corrupt and influence the human mind had been employed with an activity truly remarkable. The point, however, on which he now rested, was, the strict, fair, and legal admissibility of such evidence, at this stage of the proceedings. Even although a doubt existed on the technical propriety of the question, yet its importance to the elucidation of truth, its importance to the honor of a Queen charged with the crime of adultery, and its importance to the honor and happiness of the whole British nation, were considerations that would necessarily impress themselves on their lordships' minds, and exercise a salutary influence on their judgment.

Mr. Williams, on the same side, argued that supposing the preliminary objection to be of that kind that must prevail in the courts below, or in the trial of an ordinary case, it was not a complete or valid objection in the present instance. But in every court of justice the materiality of evidence was a consideration to be entertained. No rule of admissibility was so strict as to exclude evidence that might affect the real merits of a case. It was always open, after the reception of such evidence, to determine whether it should be allowed to

operate on the judgment which was to be ultimately pronounced. The present question came distinctly within the latitude sanctioned in courts of subordinate jurisdiction; and where, if a written instrument were shown to be lost, parol evidence of its contents was regularly admitted. No doubt could be entertained that a document had in this case been left abroad—left in a part of Europe where their lordships could exercise no control, and from which there were no positive means of recovering it. It was like a document shown to be lost, or to be no longer in existence. These were the considerations which seemed to him applicable to the first and only question which it was now necessary to discuss—the question of admissibility: whether the evidence was material or not was a subject for further and subsequent consideration.

The Attorney-General, in support of his objections, thought it extremely unfortunate that whenever, in the discharge of a duty which he could not abandon, he did object, on principles of law, to the course which was pursued on behalf of the defence, his learned friends should break out into invective, and, instead of a distinct answer, should appeal to the passions or fancy of their audience. It was said that his objections were technical; but what was his situation if he was to be so told whenever he found it necessary to interpose? Advantage had been already taken of his not interposing at previous stages of this proceeding; the *argumentum ad hominum* had been more than once addressed to him, and his silence interpreted into concession. Why was he to be required by his learned friends to deviate from the usual course, or discard rules of evidence wisely framed for the discovery of truth? One of those fundamental rules was, that no verbal testimony, no parol evidence as to the contents of a written instrument, should ever be received till it was shown that the instrument, once in possession, was at length lost or

destroyed. It was doubtful, he conceived, whether, under any circumstances, evidence with regard to the documents now in question could be admitted; but it never yet was heard of, in a court of justice, that, upon a mere suggestion that a post-office order was left abroad, it was right to hear a witness go into a narrative of its contents. In a case of no unfrequent occurrence, that of the loss of a bank-book, an examined copy was always required. The other side was bound to show that due pains and diligence had been used for the purpose of obtaining or recovering possession of the document. If their lordships would refer to the question of materiality, they would find it difficult to discover of what importance it was to this case to show how a particular passport, or order for post-horses, had been drawn up the by Pope's Secretary of State. It was his duty to watch the course pursued by his learned friends on the other side: their lordships could not judge at once whether evidence thus tendered might not be material; and the only security was in adhering to the known and established rules of evidence. Whatever might be the remarks or animadversions to which he subjected himself, he was resolved to pursue a straightforward course; and he trusted their lordships would excuse him if he did occasionally interpose, and remark the deviations that were attempted from those rules of evidence to which he had alluded. The evidence which his learned friends now tendered could not be received if those rules were adhered to. The evidence against the Queen had been limited in respect of time, and all the circumstances referred to in that evidence had occurred long before the period when the document in question first came into existence.

The Lord-Chancellor observed, that the question just argued between the counsel at the bar was one of very great importance in itself, and also as it respected the merits of the present case. It was impossible, with

justice to the case, to apply a rule to one part of the evidence, and not to enforce the application of it to every other part. If it was thought right to depart generally from the practice of the courts below, the departure ought to be complete. The first question was that of admissibility; and, according to every legal principle of evidence, the proof of the loss or destruction of a document was to be made out before any parol testimony relative to it could be admitted. There were innumerable cases in which documents had been lost, the contents of which were most material to a clear understanding of the whole merits; but every court proceeding upon the known rules of evidence required it to be shown that application had been made, and all diligence used, for their production, and in vain. He should, therefore, propose that a question be referred to the judges upon this subject, and that it should be framed in something like the following mode: — "Whether parole evidence, as to the contents of a passport stated to have been left abroad, could be admitted without some previous general testimony that application had been made; or, if not, that it could not have been made with any prospect of success?" If the learned judges should decide in the negative, the second question of relevancy or non-relevancy would be disposed of. He would now only add, that it was impossible, in this stage of the proceedings, to conduct it so as to attain the ends of justice, unless they protected the witnesses up to its conclusion. He was sure no noble lord would have applied the epithets of corrupt or perjured to any witnesses in the midst of a pending process.

The counsel were directed to withdraw.

The counsel were again called in; and were informed, that in the opinion of the House, the order for post-horses could not be given in evidence by parol, unless it was proved not to be in existence, or that an applica-

tion had been made for the production of it, which had been unsuccessful.

When you saw the Queen at Rome, upon the late occasion to which the question has alluded, did you see Bergami?—Several times.

Did you see Bergami as well in the presence of the Queen as when she was not there?—Yes, several times.

In the demeanor of the Queen towards Bergami, or of Bergami towards the Queen, did you see anything in any degree indecorous or improper?—Not in the least.

In what manner did Bergami conduct himself towards the Queen upon the occasions when you saw them together?—With the most marked attention, and, generally speaking, as one should expect, what he ought; he did everything which he ought to do, as it appeared to me, nothing singular or particular.

Was the Countess Oldi in attendance upon the Queen at Rome at this time?—The last time, certainly not.

Had you seen her previously ?—Twice ; whilst I was in waiting at Rome the Countess Oldi was Lady-in-Waiting to the Princess.

During what length of time was the Countess Oldi in attendance upon the Princess when you were?—At the Villa Brandi alone, three months.

Had you an opportunity of judging of the conduct and demeanor and manners of the Countess Oldi?—Yes, I had a very good opportunity, for I generally sat next her every day at dinner.

Is the Countess Oldi a person of low and vulgar manners?—Certainly not.

What is the appearance and demeanor of the Countess?—A very decent, rather good-looking, respectable, modest lady.

Upon any occasion when Bergami has come to see you, or you have seen him, when the Queen has not been present, what has his conduct and demeanor been towards you, as to manner?—I should say, on all occasions rather more respectful than was necessary: he generally required to be pressed to sit down ; that sort of behavior.

You have been for some time in Italy?—I have been,

at different times, almost ever since the Queen first went abroad.

According to the habits of that country, is it an unusual circumstance for men-servants to go into a bedroom while the ladies are still in bed?—I believe not at all uncommon; I believe it is very usual.

Do you know the Baron Ompteda?—Yes, I do.

Have you known yourself, of your own knowledge, of his dining with the Queen, when Princess of Wales, at Naples?—Certainly; I have met him at the Princess's table at dinner.

Once, or more than once?—I cannot remember more than once at this moment; I mean at her table; I have met him at other tables.

You have been in the East, have you not?—I have.

Have you been in the habit of seeing a Moorish dance in the eastern countries?—Not only in the East, but in Spain and Portugal.

Can you give any description, verbally, of the manner in which it usually is preformed?—I believe every body in London has seen the Spanish bolero dance at the theatre; it is something like that; in one part of the exhibition the two preformers run up together, sometimes in an attitude of defiance, and sometimes in an amorous attitude; the same dance prevails over all the south of Europe, and everybody sees it without making any remarks upon it; ladies and gentlemen, from Madrid to, I believe, China; and people may see it both in Rome and Naples.

During the time that you were at Naples in attendance upon the Princess, were there many families in the habit of visiting her?—A great many; everybody that was there, I believe.

The Neapolitan nobility?—All the Neapolitan nobility, and all the English nobility that were there.

Can you tell whether the English nobility, of which you have been speaking, were presented, or attended at the court of the then King of Naples, Joachim?—I believe every one, without exception.

Name any of those who were in the habit of attending either the court or the balls of Murat, or hunting parties, or any of his entertainments?—The Marquis of

Sligo, the Marquis of Conyngham, the Marchioness Conyngham, Lord and Lady Oxford, Lord and Lady Holland, and many others; Lord and Lady Llandaff, Lady Elizabeth Forbes.

And many others that you do not remember?—Yes; I can remember them in a little time: but everybody that was there.

Was it there or at Genoa that Lord Exmouth dined with the Princess?—I do not know anything of Lord Exmouth.

When you were at Rome, upon the last occasion, do you know whether Bergami was received in the families of the Roman nobility?—That I do not know at all; I do not believe that he ever went out.

Cross-examined by *Mr. Parke.*

How long were you at Rome the last time you were there?—A few days only.

How long were you in attendance on her Royal Highness at Rome, after her return from the long voyage?—The whole time she was there; I do not recollect how long.

How many weeks was it or how many days?—I should think a very few days.

You are understood to say, that after the expiration of those few days you quitted and went to Naples?—Yes, I asked leave of the Princess, and went to Naples.

You are understood to say you accompanied her Royal Highness when she first went to Naples, and formed part of her suite?—I did.

Were you with her when she arrived at Naples?—I was.

What time of the day was it?—It was in the evening.

Was it late in the evening?—No, not late in the evening, it was day-light; about sun-set I should say.

You say there was a garden behind the house where some workmen were employed?—There was.

Did you yourself ever see the Princess walking in that garden?—Yes.

Did you ever see Bergami walking in that garden?—Yes, I did one morning.

Was the Princess there at the time?—She was.

Were they walking on the terrace?—They were.

How near was Bergami to the Princess?—About as near as I may be to you (*about five feet*).

Was he walking at the same time with her?—Yes.

How long did you see them walking together on the terrace?—Scarcely half a minute.

Where were you at the time you saw them?—I was in another wing of the house.

Did you see anybody else in the garden at the time?—Nobody but a man who was nailing up certain trees that had fallen across the path.

You were at a masquerade with the Princess at a house of the King?—I was at a masquerade, and was in waiting.

Were you there the whole time?—I was there the whole time, and very much fatigued with it.

Did you see Bergami there?—I believe I saw him there with the rest of the servants.

Where were the servants; what were they doing when you saw them?—They were generally waiting upon the company; handing ices, sweetmeats, and other things.

You did see him there at any other time than with the rest of the servants?—No, I do not recollect that I did.

Did you see her Royal Highness when she was in a Turkish dress?—I believe I did, but I have not a very distinct rememberance of it.

When you saw her in a Turkish dress, did you see any other persons dressed as Turks?—I believe there were a great many people dressed as Turks in the masquerade.

Was she by herself at that time, or forming part of a group when you saw her?—That is really impossible to say at a masquerade, it appears to me.

You cannot recollect whether you saw her alone, or with a group of Turks?—No, I really cannot.

Did you attend her Royal Highness upstairs when she changed her dresses?—I was once with her up stairs in the course of the evening.

Did you accompany her down afterwards?—I should

hardly think I did; I might come down the stairs with her, but not handing her.

Do you recollect in what character she was at that time?—No, that I really do not.

OCTOBER 7.

WILLIAM CARRINGTON was then called in, and having been sworn was examined by *Dr. Lushington.*

In what situation of life are you?—I am Sir William Gell's valet.

How long have you been in that situation?—Nine years.

What were you before?—It was the first situation I had as a servant.

What situation were you in before?—I was in the navy.

In what capacity?—As midshipman.

Did you attend Sir William Gell the latter end of the year 1814, at Naples?—I did.

Did you live in the house of the Princess?—I did.

Do you remember Bergami coming into the service of the Princess?—I do.

In what capacity?—As courier.

Did his coming into the service of the Princess as courier excite any or what jealousy?—I never heard any.

Was there anything said about it by the servants in the house?

The Attorney-General objected to the question.

The question was waived.

Was there any jealousy after he came into that service?—I never saw any.

Do you remember the first night that you arrived at Naples?—Yes.

Do you recollect where Bergami slept that night?—I do.

Where was it?—It was in a small room over the steward's room.

Who was the steward?—Mr. Sicard.

Did he sleep in the same room the second night?—No, he did not.

Do you know the reason that he changed his room?—Because the room was so low that he could not stand up in it.

Do you remember the room to which he removed?—Yes, I do.

Do you know the Princess's room?—Yes, I do.

How near was the room to which Bergami removed to the room of the Princess?—It was about sixty feet.

Was there any other room between the Princess's room, and Bergami's room?—There were three rooms and a passage.

Can you tell who occupied those three rooms?—Yes, I can.

State them?—William Austin the first, Hieronimus the second, and Doctor Holland the third.

Are you to be understood that those three rooms intervened between the Princess's room and the room of Bergami?—Yes.

Did any of those three rooms open into the passage?—Yes.

Do you remember being at a masked ball at Naples?—I do.

A ball given by the Princess?—Yes.

Do you recollect the servants appearing in any particular dress?—No, I did not see them in any particular dress.

Did you yourself wait upon that occasion?—I did.

Did you travel in the suite of the Princess on the journey to Naples?—I did.

Do you remember Mr. William Austin?—I do.

Can you say where Mr. William Austin usually slept before you reached Naples?—He slept in a room by himself when there was a room; when there was not, he sometimes slept in her Royal Highness's room.

Do you know a person of the name of Majocchi?—I do.

Did you ever see this person at Ruffinelli?—I have.

Did you ever hear him mention the name of Ompteda?—I have.

What did you hear him say respecting Ompteda?

The Attorney-General objected to this question, and the witness having withdrawn from the bar, proceeded to argue against it. The question was, whether the witness had heard Majocchi say anything respecting Baron Ompteda. He objected to any conversation between the witness and Majocchi, with respect to a third person being taken as evidence. Whatever Majocchi had said of Baron Ompteda could not be received as proof of any fact concerning that gentleman. Besides, he was not aware that Majocchi had stated himself to have had any conversation with the present witness; and unless he had been asked whether he had had any conversation with W. Carrington relative to Baron Ompteda, no ground whatever was laid for the course of examination which he had interrupted. But, if even Majocchi had been asked such a question, still any conversation between him and the witness relative to the Baron's conduct could prove nothing having any bearing on the case. In order, however, to justify the examination at all, he called upon his learned friends to show that Majocchi had been asked whether he had had a conversation with Carrington, and had denied his having any.

The Solicitor-General thought it quite clear that the question could not be put. Nothing was more fully admitted than that a witness could not be examined on conversations relative to facts collateral to the inquiry; and if the object was to contradict the testimony of Majocchi, it had not been stated what question had been put to Majocchi which it was now wished to contradict. He apprehended that his learned friends were not entitled to refer to Majocchi's evidence in a general way, but that they must point out the particular statement they meant to disprove.

Dr. Lushington trusted he should be able to satisfy their lordships that the question ought to be put. If he understood the objection, it was twofold: first, that the proposed examination had reference to facts collateral to the inquiry; and, secondly, that supposing this not the case, that as no question had been put to Majocchi as to a conversation with Carrington, no question could be asked the latter with regard to that circumstance. Now, as to the first point, nothing was more easy to show than that the subject of the proposed examination, instead of being collateral, had a direct and most important bearing on the inquiry. Was it possible to contend that, to ascertain the fact whether Ompteda had not acted as a spy on her Majesty, had suborned her servants, that he had broken locks, forced doors, in order to steal papers, with the view of fabricating charges to affect the character, the honor, and even the life of the Queen—shall it be said that an explanation to prove that fact is not relevant to——

Lord Redesdale interrupted the learned counsel, and moved that counsel do withdraw. The learned counsel had no right to pursue the course of examination he proposed. He could not impugn the conduct of Baron Ompteda by conversations which had passed between the witness and another person.

The Lord-Chancellor observed, that certainly that could not be done.

Counsel were again called in.

Dr. Lushington said that, when their lordships interrupted him in the argument he was pursuing, he was about to add that he certainly never conceived that the declaration of Majocchi could be evidence of what Ompteda had done, but that he meant to show that the conduct of Ompteda was not collateral, but a direct point in issue. He was going on to state circumstances which in a subsequent stage of the proceedings it might be necessary to prove, namely, that locks had been

picked, that doors had been forced, and that plots had existed; because that proof would be the means of explaining part of the conduct of her Majesty which had been made a ground of imputation. It would, for instance, account for her taking care that some of her male attendants, in whom she could place confidence, should sleep near her—for her taking care to have always a person near her on whose fidelity she could depend. He contended that evidence for this purpose was admissible, as Majocchi had thought fit to deny the existence of any plot whatever, and when examined at different times, had also denied all knowledge of any locks having been picked. His evidence was surely open to contradiction on these points. Their lordships would see, in page 63 of the printed minutes (*Ch. p.* 72), what answers he had given to questions about this Baron Ompteda. In the first place he said, "I do not remember the name." He was then asked—

Did you ever during the year after the long voyage see a German Baron dining at her Royal Highness's at the Villa d'Este?—In the house Villani I saw him.

Then you do know a certain German Baron who used to visit her Royal Highness?—He was a Prussian.

What was his name like, as nearly as you can recollect?—I do not remember the name, because it was an extraordinary or unusual name, but he was called the Baron—Baron—Baron something.

After this evidence, was it not fit that her Majesty's counsel should be permitted to prove that Majocchi knew this Baron's name: that he often spoke of him; that he made his name and his deeds the subject of repeated conversations? He was further asked—

Was there anything happened in the Princess's family, anything that made a noise in the family connected with this Baron, whatever his name was?—This I do not remember.

During the time you were in the service of her Royal

Highness at the Villa Villani, or the Villa d'Este, do you recollect any blacksmith or locksmith being examined there with respect to the picking of locks?—This I do not remember.

Or about making false keys?—This I do not remember.

You never heard of any such thing in the family while you were there?—This I do not remember to have heard; I do not remember it.

Do you remember no quarrel taking place between Lieutenant Hownam and this German Baron, while you were there?—I have heard that they had quarrelled together, but I do not know the cause of the quarrel."

[Then follows a long series of *Non mi ricordos* in answer to questions about the time when he heard of the quarrel.] If Majocchi had denied seeing a person on his journey to Vienna, would it not be competent to prove that he had acknowledged seeing that person? He apprehended that it was perfectly open to him to show the contradiction in that witness's testimony without any contravention of the rules of evidence. The existence of the plot tended to explain and justify the conduct of her Majesty. The witness denied all knowledge of that plot. He contended that the testimony now offered did away with that part of the evidence, and left the case *rectus in curia.* He did not contend that he should establish any facts declared by Majocchi. But if he proved that Majocchi frequently talked of the plot, that in talking of it he sought to evince his courage as well as his fidelity, by saying of Ompteda, "If the Queen would permit me, I would kill him like a dog"—if he proved him to have said this, he did not say that he should prove the facts stated against Ompteda, but he should remove the impression which had been made in consequence of Majocchi's perjury. The only objection which he conceived might reasonably be made to their doing so was, that it was a work of supererogation to attempt to detract from credit which no longer

existed, for the evidence of Majocchi was already completely destroyed.

Mr. Brougham said, that after the able arguments of his learned friend, little was left for him to add; but he would merely remind the House of the purport of their defence: they did not contend that anything said by Majocchi regarding Ompteda was evidence in——

The Lord-Chancellor here interrupted the learned counsel, and said, that a great deal of time might have been saved if the counsel had stated the point to which his question tended. He might have asked as to the quarrel between Hownam and Ompteda, to which the witness, in his examination-in-chief, had declared his knowledge, but the cause of which he did not remember.

Mr. Brougham said, that there was perhaps a more important answer of Majocchi than those his learned friend had pointed out. He had said he did not know what made him recollect the Baron's coming to Villa Villani. If, therefore, he could show that he must have known, he apprehended that it was quite open for him to do so. He was perfectly aware that he should be stopped in the question, for, whenever the name of Ompteda was mentioned, *per fas aut nefas*, an objection instantly came from the other side.

The Attorney-General objected to the style of his learned friend's argument, if argument it could be called, which consisted principally in assertion. He was not aware that any objection had been taken, whenever Baron Ompteda's name had been introduced, as to the propriety of introducing it. He believed it was a mere assertion of his learned friend to say so; but, if such objection had been taken, he doubted not it had been taken properly. He must oppose the manner in which his learned friend, Dr. Lushington, had argued the present question, because he had concluded it by stating, that it was a mere work of supererogation to shake

Majocchi's evidence any further, it being already clear to everybody that Majocchi was perjured. Such a decision was premature at present, and was one which it became their lordships only to make upon the conclusion of the case. He had never yet heard that a witness could be asked what another witness had said to him in the course of conversation, unless that witness had been first asked whether he had ever said it to him or not. Now, as to this particular question, he wished to say a few words. The question which had been asked Majocchi was this—"Do you remember no quarrel taking place between Lieutenant Hownam and this German Baron while you were there? and his answer was, "I have heard that they had quarrelled together, but I do not know the cause of the quarrel." Now his learned friends, in order to be able to obtain an answer to the question which they just had put to the witness, ought to have asked Majocchi, "Have you ever stated to William Carrington that you did know the cause of this quarrel?" because, if they had asked Majocchi that question, he might have been enabled to recollect the conversation, if it had taken place, and to explain the circumstances under which it had taken place; but not having asked Majocchi that question, it was taking Majocchi unawares to put the question that was now proposed to the present witness. He had heard it said by high legal authority, that the individual with whom a particular conversation had been held must be distinctly named to the witness before the other party could be allowed to bring forward the individual with whom the conversation had been held to contradict that witness. At page 140 in the minutes (*Ch. p.* 133) it would be seen that the Lord-Chancellor had stated, "that it had been ruled in the Court of King's Bench that counsel ought, in the first instance, to name the person referred to, for that a person might merely state that he never had such conversation; but that, if put

in mind of having been with a particular individual at a particular time, he might immediately recollect, and his former answer might be no slur upon that testimony." That rule, he apprehended, was sufficiently plain; and he called on the House to consider in what a situation witnesses, not merely in this case, but in all others, would be placed in the courts below, if that principle were now to be given up. No question had ever been put to Majocchi whether he had ever made any declaration about the knowledge of the quarrel between Lieutenant Hownam and Baron Ompteda to any person, much less whether he had ever made such a declaration to W. Carrington; and he (the Attorney-General) therefore apprehended that the objection which he had taken to the present question was perfectly well founded, and that no sufficient answer had been made to it by his learned friends on the other side. It was an assumption on the part of his learned friend to say that there had been a plot against her Majesty, and that Baron Ompteda had been at the bottom of it. They had made great assertions upon that point; but as yet no proof had been offered to substantiate them. If it were a part of their case to prove the facts which had been alleged against Baron Ompteda (whose memory, it appeared to him, from the knowledge he had of the matter, had been covered with the most unfounded slander and calumny), they certainly might do so; but then they could not do it by offering what had passed in conversation with a third person. No evidence at all had been given relative to Baron Ompteda in the case for the bill; and it was, therefore, highly unfair to let it go forth from their lordships' bar that the slanders which had been promulgated against him had foundation in fact. The learned gentleman then concluded his argument by again repeating, that, in point of law, the question ought not to be put, and by imploring their lordships not to permit the witness to answer it.

Mr. Brougham denied that he had argued that the facts against Ompteda could be proved by a conversation.

The Attorney-General.—His learned friend had taken up the argument in the same way as it had been taken up by Dr. Lushington, and had stated that the manner in which he (Dr. Lushington) had argued it prevented him from saying more.

Mr. Brougham admitted that he had done so; but said he had added nothing to the argument of his learned friend.

The Lord Chancellor viewed the question as being one of considerable importance. It was not to be forgotten that the authority which had been mentioned was met by other authorities on the same subject. The question, as he understood it, was this:—"Whether A. B., a witness, being called for the plaintiff in a case, and being asked if he knew of the cause of a quarrel between two individuals, and answering that he had heard of a quarrel, but did not know the cause of it; and on cross-examination not being asked whether he had made a declaration to C. D. regarding the cause, the question was, whether or not C. D. could be called to contradict him by proving the contrary, the witness not having been asked if he had held such conversation with that person." It would be extremely desirable that this question should be submitted to the judges, and after they had advised, the House would be better able to decide the question.

Lord Erskine agreed with his noble and learned friend in thinking that the whole course of examination which counsel now proposed to pursue must be built upon what Majocchi had said in his former examination, but differed from him when he said that the present question appeared to him to be such as could not be allowed. He thought that her Majesty's counsel had a right in their questions not merely to refer to what Majocchi for-

merly said, but with such commentaries as they might think the nature of his evidence required. Their lordships were to look in the minutes to what Majocchi had previously stated. Counsel proposed to show, by a conversation which had taken place between Majocchi and the witness, that what Majocchi had there stated could not be true, and that he (Majocchi) must have known at the time he stated it that it could not be true. In his idea, that line of examination was perfectly allowable. If, however, his noble and learned friend wished to have the point decided by the judges, he had no objection. The House, however, were the real judges of it; and it was for them to decide whether the question, on which so much discussion had arisen, should be put to the witness or not.

Mr. Brougham hoped their lordships would allow him simply to state what the proposition was.

The Attorney-General objected to Mr. Brougham's being heard any further upon the subject, after having spoken to it so often before.

Mr. Brougham.—Past all doubt nothing that Majocchi had said to this witness could be received as proof of anything that Ompteda had done. But Majocchi having said, in answer to five or six questions on a particular point, *Non mi ricordo*, "I do not recollect," and to two questions, "I do not know," he (Mr. Brougham) maintained that he was at liberty to ask of the present witness whether Majocchi had not, by a conversation with him, shown that he was speaking falsely when he said so; he (Majocchi) having mentioned circumstances to him (the witness) which proved that he must not only remember it in its general bearings, but also in its more particular details. He contended that he was at full liberty to show that those details were given in such a way, and were of such a nature, as could not easily be forgotten; and likewise that Majocchi could not be ignorant that he told them to the witness, whom he was going to

make tell them to their lordships. The rule of law, he apprehended, allowed that a negative declaration to another person might be proved. It was not denied that if he had asked Majocchi whether he had ever said to William Carrington that he knew of the causes of quarrel between Lieutenant Hownam and Baron Ompteda, he should have had a right to put the present question. Why had he that right? Merely to impeach the evidence of that witness. In this case, too, it was likewise evidence; because it was full contradiction of what Majocchi said: it proved that he did know the cause of quarrel, though he said that he did not. His learned friends argued, that by a previous decision, in page 140 of the minutes (*Ch. p.* 133), a general question could not be put; and it was said that one of their lordships had referred to the practice of the Court of King's Bench, in which you could not examine one witness to what another had said without asking him whether he had ever said such and such things to him in conversation. But though this had been said by some of the learned judges, it had never been ruled by them in the King's Bench; but even if it had been so ruled, it should be considered that their lordships had precedents in their own House to go by. They would find one not only in the case of the Duchess of Kingston, but also in the case of Elizabeth Canning—which, by-the-bye, had been tried at the Old Bailey, by a very learned judge—and there they would find that they had not considered themselves tied down by the rule of the King's Bench. They (her Majesty's counsel) wished the question not to be decided in the general manner in which it had been put by his lordship: they wished that it should be put in this manner:—Whether a witness, having sworn that he did not know a circumstance to which he was examined, the counsel were not allowed to prove by declarations from his own mouth, that he did know it. Suppose that it had been a fact, and not a declaration, to which Majocchi

had sworn ignorance—suppose he had asked him, "Do you know whether A. B. had forged certain keys, and picked certain locks, at which you yourself was present, and for which A. B. was turned out?" and that he had applied, "I don't know anything about the picking of the locks, the false keys, or the turning out," should he (Mr. Brougham) not be allowed to show that he (Majocchi) had been bodily present, and had seen the person turned out, and that, therefore, he must have known all about it: that he could not have forgotten it; and, in consequence, when he said he had forgotten it, that he must be speaking an untruth? The mode proposed was, indeed, a different mode of showing that he had sworn falsely; but it was still stronger as the declaration came out of his mouth. He had only to say, that, even supposing the law of the case to be decided against them, the decision would be a novel one. Would they then, considering that they had come to this trial in full ignorance of the case, and the witnesses who were to be called against them, prevent them from putting a question, for which, if they had laid a ground in their previous examination, it was admitted, "*ex consensu omnium*," that they would have a right to put? If they did prevent them, it would be peculiarly hard that he should be shut out from the opportunity of establishing a contradiction, because, in the cross-examination of the witnesses, he had happened to omit one particular question.

The Attorney-General said, that he should only be trespassing on their lordships' time if he replied at any length to what had been so fully stated by his learned friends on the other side. He had already answered it, and he thought their lordships would not be better satisfied if he were to repeat it. But, to come to the evidence, the witness had been asked, if, while he was in the house, a quarrel had not taken place between a certain baron and Lieutenant Hownam; to which he answered

that he had heard of a quarrel, but that he did not know the cause. Now they say they can prove that he did know it; and they propose to prove his knowledge by a conversation which he had with this witness some years ago. But he said that they could not, in fairness to the witness, and by the rule of law, be permitted to prove that conversation, because they had not at the time of his examination called such conversation to his mind. He was much surprised that the experience and acuteness of discernment by which his learned friend was so particularly distinguished should have allowed him to argue as he had done. A fact and a conversation were totally different things: a conversation he might explain: a fact he could not. The point here was a declaration said to have been made by Majocchi; and he would contend that such a declaration could not be brought forward to invalidate his testimony, as Majocchi had not previously denied the conversation to which such a declaration was said to have been made. Had he been asked whether such a conversation took place, there might have been some ground for the question; now, he apprehended, there was none at all: his learned friend had not laid the slightest foundation.

Lord Erskine put a case—that a witness had made a declaration, of which the counsel, at the time of the cross-examination, was not aware, and upon which he therefore could not examine, but that it afterwards came, in the course of the trial, to his knowledge: would it be said, that for that reason, in a court which was established for the discovery of truth, the truth should not be discovered? Above all, would it be said that such a circumstance should prevent the discovery of truth in a case of such paramount importance as the present? Whatever might be the opinion of the learned judges upon this question, he should still feel himself bound to act upon his own judgment. The fact now sought to be established was of too important a nature to be de-

feated by an objection so purely technical. If their lordships wished to avoid the embarrassment of a possible dissent from the decision of the learned judges, he saw no reason why Majocchi might not be called again, and confronted with the other witness. This he had often seen done in the course of his practice: his remembrance might not perhaps now be of much avail, so long it was that he had had the honor of enjoying the rank he at present filled; but unless he was completely superannuated, he would not believe that questions were inadmissible which were calculated to elicit the truth. As a Peer of Parliament, he should certainly give his opinion that this evidence might be received.

The Lord-Chancellor thought the question could not be put, and repeated his former argument upon the subject. He did not pretend to say that it was not the practice to call up a witness in the manner in which his noble friend (Lord Erskine) had stated that Majocchi could be examined. Neither would he pretend to say that Majocchi could not be legally brought up, and the questions put to him—"Did you ever say so and so to Carrington? or did you not make such and such declarations?" The best course, in his opinion, was, to ascertain the practice of the courts below: and, in order to do that, he would shape the question to be put to the judges in the following manner: 1st. If in the courts below a witness examined in chief on the part of the plaintiff being asked, whether he remembered a quarrel taking place between A. and B., answered that he had heard of a quarrel between them, but he did not know the cause of it; and such witness was not asked, upon his cross-examination, whether he had or had not made a declaration, stated in the question, touching the cause of it, and, in the progress of the defence, the counsel for the defendant proposed to examine a witness to prove that the other witness had made such a declaration to him, touching the cause of such quarrel, in order to

prove his knowledge of the cause of the quarrel, according to the practice of the courts below, would such proof be received? 2dly. If in the courts below a witness examined in chief on the part of the plaintiff being asked, whether he remembered a quarrel taking place between A. and B., answered, that he did not remember it, and such witness was not asked, on his cross-examination, whether he had or had not made a declaration stated in the question respecting such quarrel; and in the progress of the defence the counsel for the defendant proposed to examine a witness to prove that the other witness had made such a declaration, in order to prove that he must remember it; according to the practice of the courts below would such proof be received? He did not mean to say that he had no opinion of his own upon this question, but he wished to ascertain the opinion of the learned judges.

Lord Erskine was understood to say that he never meant to assert that, if the opinion of the judges were in the negative on the questions, the House ought to neglect it. He merely meant to express his own dissent from it.

The Lord-Chancellor understood the commands of the House to be, that the counsel on both sides should be asked whether they objected to Majocchi's being called up, and having the question put to him in a form agreed upon.—After a pause of a few seconds:

The Attorney-General addressed their lordships. He felt in a very awkward situation, and he would tell the House why. Their lordships would recollect that Majocchi had been already examined three times in the course of one day. The option was given to his learned friends whether they would proceed then or not with any further re-examination. They had declined doing so, and had preferred the delay which had taken place, in order to open their case. If they suffered the proposed course to be taken in this case, knowing as they

did the law upon the subject, it was their lordships' duty to be prepared for the consequences. If it were done in this case, it might be done with respect to every witness at their lordships' bar.

The Lord-Chancellor here interrupted the Attorney-General. He did not apprehend that the House wished the learned gentleman to argue the case; but were desirous that he should state simply, as he was perfectly authorized to do, whether or no he withheld his consent.

The Attorney-General, after what had passed, did not think himself authorized to give his consent.

The judges then retired on the consideration of the question.

Mr. Brougham proposed, in the mean time, that another witness should be called in for the purpose of re-examination.

This being agreed to,

The Right Honorable Lady CHARLOTTE LINDSAY was again called in, and further examined, as follows:

A Peer.—Has your ladyship searched for that letter referred to yesterday?—Yes, I have.

Have you been able to find it?—No, I have not been able to find it.

Do you believe it not to be in existence?—I believe it not to be in existence.

Have you any reason to think that it can be elsewhere but in your own possession?—No, I have no reason to think it; I have not a positive recollection of having destroyed it, but I have no reason to believe that I did not destroy it.

The Earl of Lauderdale.—Can your ladyship state the grounds of your brother's request as made in that letter?

Mr. Brougham submitted, with deference, that this was a letter to the witness; and that they were now going to examine her as to the contents of that letter.

The Lord-Chancellor had already stated his opinion. He understood Lady Charlotte Lindsay to have said that she was requested by her brother, the Earl of Guilford to leave the service of her Royal Highness; and that that request was contained in a letter. Now he conceived, to the extent of asking Lady Charlotte Lindsay what were the terms in which that request was put, there could be no objection. Whether the question was intended to be carried further or not, he did not know.

Mr. Brougham begged his lordship's pardon, but supposed he had misunderstood the question (which was read over by the shorthand-writer).

The Earl of Lauderdale contended that they could not refuse to put this question. He asked their lordships whether, if Demont's letter had not been in existence, it would not have been competent to examine her as to the contents of that letter?

The question was proposed: and the witness said—I have no distinct recollection of anything contained in that letter, except his request and advice that I should resign my situation, and some pecuniary arrangements that were to take place between us.

Does your ladyship's recollection lead you to think that the advice was given without any cause assigned?

Mr. Brougham prayed leave to submit, through the House, whether the terms of this question were correct.

The Earl of Lauderdale then asked:—Can your ladyship say whether your brother gave his advice without assigning any cause for that advice?—I do not remember in that letter his assigning any cause, but I have some indistinct idea that the reports I before alluded to might have been mentioned in that letter, but I cannot positively say.

What reports does your ladyship allude to?—Reports that I mentioned in answer to a question put to me yesterday by a noble lord, reports of an unpleasant and degrading nature that had influenced me in resigning my situation.

Her ladyship withdrew.

The Lord-Chancellor.—Have you any other witnesses to call?

Mr. Brougham.—I will call John Whitcomb, if you please.

JOHN WHITCOMBE was called in, and examined by *Mr. Tindal.*

In what situation of life are you?—Valet to the Honorable Keppel Craven.

How long have you been in that situation?—Upwards of six years, not quite seven.

Were you in his service at the time the Princess of Wales went to Naples?—Yes.

Do you recollect the first night of the arrival at Naples in what room Bergami slept?—No, I do not to be sure.

Have you ever seen the room in which he slept?—Not the first room, I never was in it.

Do you recollect the second room in which he slept?—Perfectly well.

Was there a passage at one end of it from that room to the room in which the Princess slept?—There was a passage led from one end of the house to the other, at the end of which Bergami slept, towards the terrace, the green-house rather, and the Princess slept at the front of the house, at the other end of the passage.

Do you recollect the room in which Mr. Austin slept?—He slept next to her Royal Highness.

Do you recollect the room in which Hieronimus slept?—He slept next to Mr. Austin.

What situation in the Princess's household did Hieronimus hold at the time?—He held the situation of page, as I understood.

Do you remember where Doctor Holland slept?—Doctor Holland slept in the next room to Hieronimus.

Did the three rooms which you have mentioned lie upon the side of the passage to which you have adverted?—Yes; all three.

Was there a door from the room of Hieronimus that opened into the passage?—Yes, there was.

Where did the door of Doctor Holland's room open?

—To another passage that came towards the dining-room.

Was Doctor Holland's room at the corner of the two passages of which you are speaking?—It was.

Did the door of Doctor Holland's room open into the passage that turned into the first-mentioned passage?—Yes.

Was that door nearly opposite the door of Bergami's room?—Bergami's room did not open from that passage.

Do you remember where Mademoiselle Demont, the Princess's femme de chambre, slept?—She slept in another room over Doctor Holland, the stairs of which led from this passage.

Have you ever been in that room?—Yes, frequently.

Have you been in that room by night as well as by day?—Late as well as early.

At the time you have been in that room, has Mademoiselle Demont been there also?—Yes, she invited me, generally, to go there.

When you have been in the room, has there been any other person there besides yourself and Mademoiselle Demont?—There has been sometimes Preising (Annette we called her generally), but it was seldom she stayed long when I was there.

Have you then been alone in the room with Demont?—Very frequently.

The witness was directed to withdraw.

The witness was again called in.

Do you remember the masked ball that was given at Naples?—Perfectly well.

Were you in attendance upon that occasion?—I was not ordered to attend at the ball; I was in attendance on Mr. Craven; and for my own amusement in the house I walked about in the apartments anywhere I wished.

Do you recollect, whether the servants of her Royal Highness were in the early part of the evening dressed in character?—Yes, they were; not all of them.

In what characters were those dressed who so appeared in character?—Sicard, Bergami, and Hieronimus were dressed something after the Turkish costume.

Was that in the early part of the evening?—In the early part of the evening.

Did they afterwards change those dresses for plain dresses?—Sicard and Hieronimus went home, and never returned afterwards that I know of; I never saw them afterwards.

Did you see Bergami afterwards?—I saw Bergami afterwards, to the best of my recollection; he was dressed in plain clothes.

What was he doing?—Walking about with me; I met him frequently in the apartments walking.

Were there any refreshments handed about?—All the evening, during the night.

Did you or did you not see him amongst the other servants assisting?—I think I saw him once or twice carrying refreshments, lemonade, or something of that description.

Were you at Naples during the whole time the Princess was there?—All the time.

In what manner, according to your observation, did Bergami conduct himself towards the Princess?—The same as the rest of the servants; the same as we all did.

Cross-examined by *Mr. Solicitor-General.*

Did you live in the house?—We lived in the house on our arrival at Naples for a few days.

For how many days, as nearly as you can recollect, did you remain in the house?—I should think three days, or four, very likely; I am not certain to a day.

After that, you lived in the lodgings occupied by Mr. Keppel Craven?—Yes.

You have described a passage extending from the apartment occupied by her Royal Highness to the apartment occupied by Bergami; that was so?—It was.

And in that passage there were three rooms, one occupied by Mr. William, another by Mr. Hieronimus, and another by Dr. Holland?—Yes.

Dr. Holland's being the corner?—Yes, the corner.

Was there not a passage that led from the dining-room, by Dr. Holland's room, into the passage which you first mentioned?—Yes.

In going along that passage would you leave Dr. Holland's room on the right?—On the right.

Was there not a door leading from Dr. Holland's room into that passage?—Yes, to the best of my recollection, there was.

And no door into the other passage?—I am not certain whether there was or was not.

In going along that passage which had Dr. Holland's room on the right, was there not a small room on the left?—Yes, on the left.

Was that room which was on the left occupied?—No, I think not.

Beyond the room on the left, which you think was not occupied, and next to that room, was not that the room of Bergami?—Yes.

So that Bergami's room was at the end of the passage which you have first described, and on the left hand at the end of the small passage which you have now described?—Yes.

Was there not a door leading from Bergami's room into the passage which you have first described?—I am not certain to that; if it was, there was a door that led to the passage, but whether there was any partition between that and Bergami's room, I am not certain.

You have described Bergami's room as being at the end of the passage you first described; was there any mode of going into Bergami's room from that passage?—Yes, there was.

By a door?—Yes.

You have described Bergami's room as being towards the garden-side of the house?—It is.

Was it the corner room, or was there a small cabinet beyond it?—The corner room, to the best of my recollection.

Will you swear, that going from the passage you have just described into Bergami's room, there was not beyond it a small cabinet?—I cannot swear, but, to the best of my recollection, it was the corner room that looked into the garden.

You are not asked whether it looked into the garden, but whether there was not beyond it, within, a small cabinet?—I cannot be certain of it.

Was there not, in the passage which you have first described, near to the staircase that led up to the room occupied by De Mont, a door?—There was a door that led to Hieronimus's room.

Opposite to the door, or nearly opposite to the door that led to Hieronimus's room, was there not another door?—I am not sure of that; I cannot charge my memory with that.

Was there not, parallel with the passage which you have first described, and beyond it, with reference to Hieronimus's room, a second passage, leading from Bergami's room to the room occupied by the Princess?—There was a sort of inward room or passage, or something of that description; I do not know what it is called.

Was there not, near the foot of the staircase, a door from the passage you have first mentioned, leading into this communication, or passage, or whatever you call it, to which your attention has been called?—To the best of my recollection there was, but I cannot be certain of it.

Counsel at both sides now said they were done with this witness.

Lord Erskine said he had something to say to him, but for the present he must withdraw from the bar. The witness having withdrawn, the noble and learned lord said, that, before he proceeded to put some questions to the last witness, he begged particularly to call their lordships' attention to the matter out of which the questions he meant to put arose. For this purpose he should beg leave to read to them an extract from the evidence of Madame De Mont, which was as follows:

Where did you sleep in Naples?—In a small room over the passage where the other servants slept.

Did you sleep alone there?—Yes, I did, alone.

Every night alone?—Every night alone.

And the whole of every night?—Yes, the whole of every night.

And alone the whole night?—Alone the whole night.

Every part of a night, and the whole of every night, do you mean?—Yes.

All alone the whole night?—All alone.

She afterwards said she did not particularly know where any of the men-servants slept.

The noble and learned lord then desired that the witness might be recalled.

The Earl of Liverpool wished the noble and learned lord to state for what particular object—what precise question did he mean to put to witness?

Lord Erskine replied, that he meant to ask him whether he spent any part of any night, or the whole of any night, in the room of Madame De Mont, when she was there and in bed.

The Solicitor-General begged leave with all respect to say, that that question could not be put. When Madame De Mont was examined, it was impossible not to foresee that the object of his learned friends, in putting certain questions to the witness, was either to insinuate or to prove that some person had slept with De Mont. It was, he thought, a clear and undeniable point of law, that a witness could not be asked if she had committed an immoral act, or, if asked such a question, compelled to give an answer, if she objected to it. It was equally clear and incontrovertible, he thought, as a point of law, that if the witness thought proper to answer the question, and deny the fact attempted to be insinuated, that it would be incompetent for the party to negative her denial by proof. If he were right in that position of law, which he thought incontrovertible, then he submitted to their lordships that they could not suffer that to be obtained circuitously, or by a side-wind, which could not be attempted openly and plainly. This he affirmed to be the undoubted construction of the law, as administered in the courts below. He stated it with the utmost possible submission to the noble and learned lord (Erskine), for whose experience, knowledge, and talents, he had a profound veneration. It was quite unnecessary to cite authorities to their lordships, for he felt he was

stating a position which could not be shaken. The only consideration then for their lordships would be, whether they would suffer that to be done circuitously which could not be directly attempted without a violation of the forms of law.

Lord Erskine said he remained unconvinced that his question ought not to be put; for he thought not only that the question he was putting to this witness might have been put to Madame De Mont, but also that she might have been legally asked whether he had ever slept with her. He affirmed that that might have been done. It was a course which he had himself often pursued at the King's bar; he had repeatedly asked a witness questions which went to show his criminality. He was perfectly ready to admit that the witness was not bound to answer; but if he answered, what reason was there to take that answer as conclusive, and not to be shaken by other testimony? He remembered that once, before Lord Ellenborough, he had insisted upon sifting such a question: it was objected to, and he tendered a bill of exceptions, which bill he was not under the necessity of arguing; it went to all the reason of the judges, and received the assent of the most eminent men at the bar whom he had consulted on the occasion. He had over and over again put such questions. He should state what passed in conversation between himself and Lord Ellenborough at the time. For that noble lord's learning and abilities he had ever entertained the greatest deference and respect. Suppose, said he (Lord Erskine) to Lord Ellenborough, that you had been taking a walk among the new improvements in the neighbourhood of Bloomsbury Square, and that some fellow dared to charge you with the commission of a crime, which, if proved, would justly degrade you in the eyes of the world. I know that when the charge was made, the first thing you would do, perhaps, would be to send for me, to undertake your defence. Suppose that we had

every reason to believe the fellow who made the charge to be a scoundrel false and wicked enough to make it with the view to extort money. The examination, we will suppose, commenced. I said to the fellow, "Who are you, Sir?—A captain of a ship. Of what ship?—Of a ship that has sailed abroad. Abroad! where? —She is gone to America. Look nearer to me, Sir; let me see do I not recollect you? are you not the very man that I unsuccessfully defended once, on a charge of returning from transportation? He may, I know, object to answering this question, and have all the credit of his refusal to answer it; but have I, or have I not, a right to put it? The judge may say, No, it can't be put; but, should your client be found guilty of the charge, you can then prove the witness to be the person you represent him, in a motion for a new trial." This, said Lord Erskine in continuation, was the way in which he put the point to the late Lord Ellenborough: and he added at the time, what he felt still, that to deny him the course for which he contended, and point him out in the room of it such a remedy, was a mockery of justice, and most ruinous to the rights and liberties of the subject. Nothing, therefore, was so fatal to the public security, as the first position taken by the Solicitor-General. But, waving that altogether in this case, and referring to the witness De Mont's evidence—she is asked, and she answers over and over again that she slept alone, during the whole and every part of the night in her chamber; she made no objection to answer; no objection was taken elsewhere: he had a right, therefore, to try the validity of the answers she had recorded, and to ascertain whether she had lain with anybody else at the time when upon her oath she declared she had remained alone in her chamber. He concluded by asserting that he had a right to have the witness recalled, and asked if he was in De Mont's room on any night when she was in bed there.

The Lord-Chancellor begged to state to the House what he knew of the practice in the courts below. When he first came into Westminster Hall, which was between 40 and 50 years ago, the constant practice of the judges was, when a question of a criminatory nature was put to a witness, to inform him that he was not bound to answer the question: that practice was, he understood, of late years discontinued, and the more modern practice, as the rule was laid down in the text-books, was, that a question of the nature he alluded to might be put to a witness, though he was not compelled to answer, if he did not please. The rule also went further, for it was laid down, that if the question were asked and answered by a witness, the party asking it could not call evidence to contradict the answer given by the witness. This rule of law certainly put the witness in this singular situation—that, if he refuse to answer, an injurious suspicion is likely to attach to him; but it was clearly and positively laid down in *Phillips's Law of Evidence*, in the case of the King *v.* Watson, that if a witness has answered such a question, it is inadmissible to call proof either to contradict or discredit that answer. This was now, according to the text-books, the clear and indisputable practice of the courts in Westminster Hall.

Lord Erskine said he could not concur in any practice which had the effect of shutting out evidence capable of throwing a light upon the testimony of a witness. Questions might still be shaped so as to sift the matter in controversy without violating the rules of evidence practised in the courts below.

The Lord-Chancellor said, that the construction evidently and plainly put upon the question answered by the witness De Mont fully showed that the object with which it was put was to ascertain out of her own mouth whether she had been guilty of an immoral offence She denies that fact; and in his opinion, speaking both

judicially and as a peer, witnesses could not be called to contradict that denial.

The Marquis of Buckingham thought it of very great importance that the rules of law should be preserved unimpaired, and that at the same time all the facts should be elicited from witnesses. He thought that, where a doubt arose upon a question, it ought not to be put until the sense of the House was taken upon it.

The Lord-Chancellor said he was quite sure his noble and learned friend (Lord Erskine) would not put a question until he saw that the sense of the House was with the propriety of putting it.

Lord Erskine replied, that he could not know how to anticipate the objections of the House; nor could he well say beforehand what precise questions he might put. It was obvious that his questions must, after the first, depend upon the answers of the witness, of which he could have no foreknowledge.

The witness was again called in.

Lord Erskine.—Where did you sleep in the house at Naples during the time you were there?—In a small room next the Honorable Keppel Craven.

Did you sleep there every night?—Every night during the time I was in the house.

Did you sleep in your room during the whole of every night?—I slept there after I went to bed; I was not in bed till 12 or 1 o'clock.

And you never went from your own bed to any other bed during the night?—No.

You after those three nights went into lodgings?—Yes.

Did you during the time you were in your lodgings, ever sleep in the house you had left?—I never slept in the Princess's house afterwards.

The witness was directed to withdraw.—The learned judges being returned.

Lord Chief Justice Abbott said: My lords, the judges have considered the questions proposed to them by your lordships; one of those questions is in these

words, " If in the courts below a witness examined in chief on the part of the plaintiff, being asked whether he remembered a quarrel taking place between A. and B., answered, that he heard of such quarrel between them, but he did not know the cause of it; and such witness was not asked upon his cross-examination, whether he had or had not made a declaration stated in the question touching the cause of it, and in the progress of the defence, the counsel for the defendant proposed to examine a witness to prove that the other witness had made such a declaration to him touching the cause of such quarrel, in order to prove his knowledge of the cause of the quarrel, according to the practice of the courts below, would such proof be received?

The judges are of opinion, my lords, that this question must be answered by them in the negative. The question proposed to the witness upon his cross-examination is, do you remember? That question applies itself to the time of the examination; and many things may have taken place, and conversation may have been held upon them at one season, by persons of the strictest honor and integrity, which may at another season be absent from their memory. It must be in the knowledge and experience of every man, that a slight hint or suggestion of some particular matter, connected with a subject, puts the faculties of the mind in motion, and raises up in the memory a long train of ideas connected with that subject, which until that hint or suggestion was given were wholly absent from it; for this reason, the proof that at a time past a witness has spoken on any subject, does not in our opinion lead to a legitimate conclusion that such witness, at the time of his examination, had that subject present in his memory; and to allow the proof of his former conversation to be adduced without first interrogating him to that conversation, and reminding him of it, would in many cases have an unfair effect upon him and upon

his credit, and would deprive him of that reasonable protection which it is, in my opinion, the duty of every court to afford to every person who appears as a witness, on the one side, and on the other; according therefore to the practice of the courts below, a witness is asked on cross-examination, whether he has made a declaration, or held a conversation, and such previous question is considered as a necessary foundation for the contradictory evidence of the declaration or conversation to be adduced on the other side. I must, however, my lords, take the liberty to add, that in any grave or serious case, if the counsel had, on his cross-examination, omitted to lay the necessary foundation in the way in which I have mentioned, the court would of its own authority call back the witness, in order to give the counsel an opportunity of laying the required foundation, by putting his questions to the witness, although the counsel had not before asked them; it being much better to permit the order and regularity of the proceedings, as to time and season, to be broken in upon, than to allow irrelevant or incompetent evidence to be received.

My lords, this being the opinion of the judges upon the question which I have taken the liberty to read to the House, it will follow as a consequenee, your lordships will be aware, that to the other question which applies itself to the witness's knowledge of a particular fact, the same answer in the negative must be given: and in addition to the reasons with which I have troubled your lordships on the first question, it may also be added, where the question proposed regards the witness's knowledge, that although a witness may have mentioned a fact in ordinary conversation at a former period, it does not follow that he may have that, which in a court of law can be considered as knowledge of the fact. A fact is often mentioned in conversation from the representation of others, without such a

knowledge of it as can enable a person to say in the court of law, I know the fact.

My lords, the answers to your lordships' questions, which I have delivered to your lordships, are the unanimous opinion of the judges now present. But your lordships will be pleased to consider the reasons that I have taken the liberty to offer as proceeding from myself only; there not having been an opportunity of submitting to the previous perusal of my learned brothers, the written paper from which your lordships would observe that part of what I offered was read; I trust, therefore, that whatever imperfection may be found in the reasons, will be attributed by your lordships to me alone.

THEODORE MAJOCCHI was then again called in, and examined by the Lords as follows, through the interpretation of the Marchese di Spineto.

The following questions were put at the request of *Mr. Brougham.*

Do you recollect having seen at the Villa Ruffinelli, Carrington, servant to Sir William Gell?—I do not remember that.

Do you remember having seen Sir William Gell's English servant near Rome anywhere?—This I do not remember.

Do you remember having ever seen Sir William Gell's English servant anywhere?—I have seen him, I think at Rome, but not at Ruffinelli.

Did you ever tell Sir William Gell's English servant that Baron Ompteda had employed some one to get the keys of the Princess at Como, in order to have false ones made from them?—This not.

Did you ever tell that servant anything to that or the like effect?—I have never spoken of this.

Did you ever tell him that the person employed for the aforesaid purpose by Baron Ompteda had confessed to the police such employment, and had been discharged in consequence?—I have never had any such conversation.

Did you ever tell him that if the Princess had not ordered the servants to take no notice of the conduct of Ompteda, you yourself would have killed him like a dog?—I never said any such thing; these things are quite new to me.

Have you ever spoken of the villany and ingratitude of Ompteda, after having so long ate and drank in the Princess's house, and complained that he had brought suspicion upon the servants?—Never.

Did you ever talk of Ompteda to the English servant of Sir William Gell by name?—No.

Mr. Brougham requested to be permitted to put a question to the witness with a view to his having said so to any person generally.

The counsel were informed, that the House had in their discretion permitted this examination, in order to apply a contradiction to the evidence of a particular individual produced as a witness; that other questions must be presented to the consideration of the House as the cases arose.

Mr. Brougham stated, that he proposed to ask that question, not as applying to the witness having said this to other persons, but lest any difficulty should arise from his hereafter saying that he had said so, but did not know the person to whom the questions had referred.

The following questions and answers were read from the former evidence of the witness:

Mr. Brougham.—"Did you ever see the Baron Ompteda?—I do not remember that name.

"Did you ever, during the year after the long voyage, see a German Baron dining at her Royal Highness's, at the Villa d'Este?—In the house Villani, I saw him.

"Then you do know a certain German Baron who used to visit her Royal Highness?—He was a Prussian.

"What was his name like, as nearly as you can recollect?—I do not remember the name, because it was an extraordinary or unusual name; but he was called the Baron, Baron, Baron, something."

Did you ever hold any conversation with Sir William Gell's English servant respecting the conduct of that

Baron with the extraordinary name?—Never, never; I never spoke of this Baron.

The witness was directed to withdraw.

WILLIAM CARRINGTON was then again called in, and further examined by *Dr. Lushington.*

What did you hear Majocchi say respecting the Baron Ompteda?—He told me that Baron Ompteda was on a visit to her Royal Highness.

Was that Theodore Majocchi?—Theodore Majocchi.

Was he in the Queen's service?—He was.

What did he tell you respecting the Baron Ompteda?—He told me, that Baron Ompteda was on a visit to her Royal Highness, and that he had employed the postilion and the chamber-maid to procure the keys of her Royal Highness's rooms to get false keys made.

Mr. Attorney-General objected to the form of the examination.

Dr. Lushington.—Did Majocchi tell you that Ompteda had employed some one to get the keys belonging to the Princess at Como, in order to get false ones made?—He did.

Did Majocchi ever tell you that a person had confessed that he had been so employed, and was discharged in consequence?—He did.

Did Majocchi ever tell you, that if the Princess would have allowed him, he would have killed him like a dog?—He did.

Killed whom?—Baron Ompteda.

Did Majocchi state, that Baron Ompteda was very ungrateful, after he had so long ate and drank in the Princess's service?—He did.

Did he say that he had made the servants of the house to be suspected?—He did.

Did he frequently mention the name of Ompteda?—He did often.

Do you remember Sir William Gell being ill at any time that he was with the Princess of Wales?—I do.

Where?—The first time, at Brunswick.

Anywhere else?—At Strasburg.

Anywhere else?—At Naples.

Do you remember the Princess ever visiting Sir William Gell when he was in his bed?—I do.

Many times?—At Strasburg; he was on a sofa.

How was he at Brunswick?—At Brunswick he was on a sofa, and at Strasburg on a bed.

How was he at Naples?—In a bed on the floor.

Was he in bed at the time?—He was.

Cross-examined by *Mr. Attorney-General.*

Where was it you had this supposed conversation with Majocchi?—In the court-yard.

Where?—At Villa Ruffinelli.

Who was present?—At that time he was by himself.

Did you meet him there accidentally, or how came you in the court?—He was there preparing the Princess's carriage to go to Rome.

How came you there?—I was there merely accidentally, by walking about the premises.

Was your master going to Rome too, that day?—He was.

How did he go?—He went in a carriage.

Who prepared his carriage?—I am not certain.

Had you to prepare his things to go to Rome?—I had.

How long before they set out for Rome was it the conversation took place?—This was on the same day we went to Rome.

How long before?—It might be an hour, or an hour and a half.

How long before was it?—I should suppose an hour.

At what time did you go to Rome?—About twelve o'clock.

Do you recollect what month that was in?—I think in the month of July.

In what year?—It must be in 1817.

In July, 1817?—Yes; it was the time Sir William Gell was with her Royal Highness.

How long had you been at Ruffinelli?—Part of two days and one night.

Did you go to Rome that day?—We did.

How long did you stay at Rome?—Sir William Gell stopped at Rome for two months.

How long did you stop?—As long as Sir William Gell did.

Did Majocchi go to Rome that day?—He did.

With the Princess?—With the family.

He was preparing the carriage, you say, at the time this conversation took place?—He was.

Who else was in the yard or about the yard at that time?—Principally the stable people and the rest of the servants.

Do you remember the names of any of them?—I was not perfectly acquainted with the stable people.

You do not know the names of any of the persons about the stables?—I know one that was near to him, I do not know whether he heard him, which was Louis Bergami: he was in a lower room opposite where he was preparing the carriages.

What led to this conversation with Majocchi at that time?—He was talking of the disrespect Baron Ompteda had paid to her Royal Highness, and that he should like to have it in his power to have satisfaction from him.

What led to the conversation about Baron Ompteda at that time?—It was generally the subject of conversation through the house at that time.

At that time in the month of July in the year 1817?—Yes.

At Ruffinelli?—Yes, it was.

Did you begin the conversation, or did he commence it with you?—He commenced it with me.

Majocchi?—Yes, Majocchi.

And he commenced it in the manner you have been asked now, did he?—Yes.

He began by saying that Ompteda had employed some one to get the keys?—He did.

He began the conversation in that way?—He did.

When you came up to him, he said Ompteda had employed some one to get the keys?—Yes.

Those were the first words that he used?—His first words were, "Have you heard of the affairs of Ompteda?"

Those affairs that had been talked of in the house while you were at Ruffinelli?—Yes.

He asked you whether you had heard of the affair of Ompteda?—Yes.

What did you say to him?—I said I had heard something of them, by which means he began, and told me the whole over again.

Had he told you this before?—He had talked about it, but not throughout.

When did he talk about it?—In the servants' hall, when he had been in the hall at dinner with the rest of the servants.

What other servants were there when he talked about it in the servants' hall?—There were at the livery servants' table, I think, eight or ten footmen, and other persons belonging to the household.

Name some of them?—I do not recollect exactly the names.

Do you not recollect the names of any of the servants? They generally went by their Christian names; there was one Francisco, a Genoese.

What was he?—He was a footman, I believe; he wore her Royal Highness's livery.

Do you remember the names of any other?—No, I do not recollect the name of any other; they were all strangers to me at that time, except him; I had seen him before.

He had had this conversation in your presence in the servants' hall?—Yes, he had.

Still he said to you when you came out into the courtyard, "Have you heard of the affair of Ompteda?"—Yes.

How long had you been at Ruffinelli?—Part of two days and a night.

Had Sir William Gell been with the Princess before that?—He had.

Where?—At Naples.

After he left Naples, was this the first visit he paid her?—No, he had seen her before.

Where?—In Rome.

How long before?—About twelve months before.

This was the second time, then, that the Princess was

at Rome?—The second time that Sir William Gell saw her at Rome.

That was in the month of July, 1817?—I am not certain of the year; I think it was 1817.

Be good enough to recollect the year, if you can.—I think it must have been in the year 1817 or 1818; I think it must have been in 1817.

Which was it, 1817 or 1818?—I am not certain it was 1817 the first time Sir William Gell saw her Royal Highness at Rome, or whether it was the second time.

But this was the second time?—This was the second time at Ruffinelli.

There was a year between?—There was a year or thereabouts.

There was a year between the first time of his seeing her at Rome, and his seeing her the second time?—There was.

This was the second time?—Yes.

Whether it was in 1817 or 1818, you are not certain? I am not certain.

How many days did you see the Princess when she was there the first time?—When she was there the first time from the Turkish voyage, I think three days.

Were you at the Villa Brandi?—Yes.

You were with Sir William Gell?—I was.

Did Sir William Gell sleep in the house at the Villa Brandi?—No, he did not.

Where did he sleep?—He slept at the Hotel de l'Europa.

How far is the Villa Brandi from the hotel at which Sir William Gell slept?—A mile and a half or two miles.

Did Sir William Gell use to dine with the Princess, and return to the hotel in the evening?—Yes, he did.

About what time did he usually return?—Sometimes late, and sometimes early.

Usually?—When there was a deal of company, sometimes twelve o'clock, or sometimes one at night.

How far is Ruffinelli from Rome?—Four miles or better.

At the time you came from Ruffinelli to Rome, did the Princess come to the Villa Brandi?—Yes, she did.

It was at that time that she remained there, and that Sir William Gell was there?—Yes.

How often did Sir William Gell dine with the Princess at that time?—I cannot say, but I think nearly every day.

Re-examined by *Dr. Lushington.*

You are understood to state, that after the Princess left Naples you saw her twice at Rome or at Ruffinelli?—Yes, twice.

The first time that you saw the Princess, did you hear any mention made of Baron Ompteda?—The first time, no.

Had you any conversation with the servants of the Princess prior to your seeing them the second time at Ruffinelli?—I saw the servants, and dined with the servants, the second time.

Was it then that you first heard of Baron Ompteda?—Yes, it was.

JOHN JACOB SICARD was then called in, and having been sworn, was examined by *Mr. Brougham.*

When did you first enter the service of the Princess of Wales?—Next February the 1st, it will be twenty-one years.

You are a foreigner?—I am a naturalized Englishman now.

Of what country are you a native?—Of Anspach.

Had you been in any other place before you entered her Royal Highness's service?—Yes, I had the honor of living ten years with the Marquis of Stafford.

In what capacity did you live with his Lordship?—As cook.

In what capacity did you enter her Royal Highness's service?—As cook.

By whom were you placed in her Royal Highness's service?—By his present Majesty's orders; Mr. Beek, who is now dead, appointed me.

Were you afterwards promoted to any other place in her Royal Highness's service?—In the October of the

same year, her Royal Highness was pleased to appoint me her maitre d'hôtel.

Did you remain in her Royal Highness's service in that capacity?—Yes.

Did you afterwards serve her in that capacity till you went abroad with her?—Yes.

When was that?—We left England in August, 1814.

Did you accompany her Royal Highness to Brunswick?—Yes.

From Brunswick to Italy?—To Strasburg, and through Switzerland into Italy.

Do you remember her Majesty having occasion for a courier at Milan?—Yes.

Did you receive any directions respecting the hiring of a courier?—Sir William Gell gave me orders to hire one.

Did he mention to you the person whom you were to hire?—Partly so; he said he would be recommended by the Marquis Ghisiliari.

Did you, in consequence of his directions, hire the courier so recommended?—Certainly.

Was that Bergami?—Yes.

Had you any communication with her Royal Highness upon the subject of hiring Bergami at all?—None.

Do you happen to recollect whether her Royal Highness dismissed a courier about that time?—No.

Do you happen to recollect whether soon after that time?—Soon after, at Rome; Croquet we had hired at Geneva.

Do you recollect, on your arrival at Naples, the house in which you were the first night with her Royal Highness?—Yes.

Was there sufficient accommodation for her Royal Highness's suite in that house?—Not conveniently.

Were other arrangements for the accommodation of the suite made the day after?—Yes, several.

Do you recollect in what room Bergami, then the courier, slept that first night of your arrival?—If I am right, he slept where Charles Hartrop slept, or somewhere near there, over Lady Elizabeth's room.

Did he continue to sleep in the same room the following night?—I believe one night or two.

Did he then remove to another room ?—Yes.

Who appointed that room for him to go to then ?—I did.

What was that room ?—A small cabinet.

Did you make that arrangement for his changing his room, and sleeping in that small cabinet, by directions of her Royal Highness ?—No.

Had you any communication previously with her Royal Highness upon that subject ?—No.

Had you any communication with any other person ?—With Hieronimus I spoke.

Do you recollect any reasons you had ?—The principal reason I had was, that there was a glass door which went into the garden, which was not safe, and therefore I thought it right that a servant, or some one, should sleep there ; a male.

During the time that you have lived in her Royal Highness's service, now her Majesty, have you had occasion to observe the manner of the Queen towards her servants ?—Yes, I have many times.

Have you had occasion to see the manner in which her Majesty treated her servants ?—Yes.

The manner in which her Majesty spoke to her servants ?—Yes.

Has her Majesty frequently conversed with yourself ?—Many times.

What manner of conversing with or treating her servants had her Majesty generally ?—Uncommon kind, almost to a fault.

Was this manner of her Majesty towards her servants generally to all her servants, or was it confined to any one individual among them ?—To all.

Have you ever had occasion to walk near her Royal Highness, or with her Royal Highness ?—Many times, by her command.

Have you ever walked so with her Royal Highness in a garden ?—Yes, in the pleasure ground at Blackheath many times.

Upon those occasions, has her Royal Highness talked to you in walking ?—Very condescendingly.

Has her Royal Highness ever had occasion to take your arm in those walks ?—Except on steps or rising

ground; and sometimes her Royal Highness, in the way of conversation, I have had the honor for her Royal Highness to put her hand upon my arm, by saying, "You understand what I mean?" or "Do not you agree with me?" and I believe their Lordships may have had an opportunity of that.

How long have you ever had the honor of walking with her Royal Highness upon those occasions?—Half an hour, or sometimes more.

Do you happen to recollect whether you walked with her in the garden at Naples at all?—I do not recollect it.

Do you recollect a masked ball at Naples?—I do.

Given by her Royal Highness?—Yes.

To the court of Naples?—Yes; I had the management of it. Mr. Piarelli assisted me, a person who must be known to some of your Lordships. Lord Landaff, I believe, knows him.

Who is Mr. Piarelli?—A very respectable person; a merchant.

Did you also yourself, upon that occasion, appear in any dress?—Yes, I did.

Did any of the other members of her Royal Highness's suite?—Yes, Hieronimus and I went together.

How were you both dressed?—As Turks.

Do you happen to recollect her Royal Highness attending that masquerade herself?—Yes.

Did she appear in one or more dresses in the course of the evening?—I recollect two dresses.

Do you recollect what those dresses were?—One of them was a kind of country peasant, and the other a Turkish dress, if I recollect right.

You are no longer in her Majesty's service?—On a pension as long as her Majesty pleases to give it.

When did you quit her Royal Highness's actual service?—Within these last three or four months.

Cross-examined by *Mr. Solicitor-General.*

What is the amount of the pension you have from her Majesty?—For the present it is £400 a year.

Did you say that that was a pension, the continuance

of which depended upon her Majesty's pleasure?—Entirely.

You entered her Majesty's service some time before she went abroad, and were at Naples?—Yes.

Did you leave her at Naples?—No, her Royal Highness left me.

Where did you go to from Naples?—From Naples I went, with the servants and the baggage and horses, down to Genoa by sea.

Did you remain at Genoa till her Royal Highness arrived there?—No.

Where did you go to from Genoa?—Immediately for England.

When did you join her Royal Highness again?—Not until I went out with the news to inform her Majesty of the King's death, at Leghorn.

So that the only time you had an opportunity of observing the conduct of her Royal Highness towards Bergami, was during the time of her Royal Highness's residence at Naples?—Exactly so.

Was it your business to allot the different apartments appropriated to the different individuals of the suite?—It was mostly my business.

Do you remember stopping at the country-house of Murat, the night previous to your arrival at Naples?—Yes.

Did not William Austin sleep that night in the bedroom of her Royal Highness?—That I cannot tell, because I went off immediately in one of the King of Naples's carriages to Naples, to prepare the house there.

Before you left that country-house for the purpose of proceeding to Naples, did you make an arrangement of the apartments for the different individuals composing this suite?—Not in that house, because the Mareschal De la Cour settled that.

Have you no means of knowing whether any apartment there was alloted for William Austin?—No.

With respect to the apartment that was occupied by Bergami, had it not a direct communication by a passage with the apartment occupied by her Royal Highness?—Not exactly so; there were several doors.

Was there a small cabinet contiguous to the apartment occupied by Bergami?—There were several: two that I remember.

Was there a public passage leading from the bed-room of Bergami to the bed-room of her Royal Highness?—Yes.

Was there, beyond that passage and parallel to it, a small passage leading the whole length?—There was.

Was there, at the end of that passage, a small cabinet?—Not to my recollection.

Was it so constructed, that a part of the passage might be enclosed so as to form a small cabinet?—That I cannot answer what might be done.

Was there a door opening from the room of Bergami into that passage?—There was.

Was there another door in that passage opening into the large passage?—I believe there was.

Was there a door opening from that passage also into the room of her Royal Highness?—These questions are difficult to answer, because I cannot point out the plan; you are asking me a question I cannot be exactly positive about; if you will point out what you mean, I shall be able to tell you.

(*A plan was shown to the witness by Mr. Solicitor-General, who stated it was not referred to as to actual measurement, and the witness was asked,*)

Assuming the apartment there described to be that of her Royal Highness, does it correctly point out the other apartments?—It is correct, except that there was another door in the passage.

Was there not then a communication along that passage, through this door which you have described, to the bed-room of her Royal Highness?—Yes.

Did anybody sleep there?—Not that I know of.

The rooms in which Hieronimus slept, and in which Doctor Holland and William Austin slept, all communicated with the other wide and public passage?—Yes.

And there was no other person slept in the line of communication you have pointed out, between the room of her Royal Highness and the room allotted to Bergami?—I understood, that sometimes when Bergami was ill, a servant was to sleep there; but I never saw it.

With that exception, there was nothing to interrupt the communication, provided the parties were desirous of communicating between the one room and the other ?—I do not recollect that there was.

What time in the evening was it that you arrived at Naples ?—I arrived in the morning.

What time did her Royal Highness arrive ?—In the afternoon.

What kind of weather was it ?—Bad weather; rain.

Rain and wind ?—Yes.

Who were the servants that breakfasted together at Naples ?—In the steward's room, there were all the upper servants, Bergami, me, Hieronimus, Mademoiselle De Mont, and Barber, Lady Elizabeth's servant.

Will you undertake to swear that Bergami breakfasted at Naples in that room regularly ?—Mostly with us, for he was very fond of meat, and used to go into the coffee room, what we called the office, and have some meat for his luncheon or breakfast; he did not like tea; they do not take breakfasts in Italy; not tea; not one out of a thousand.

When you say they do not take breakfast, do you mean they do not take tea for breakfast ?—No; they take it later, and make a meal of it.

When you were talking of the ball at Naples, you closed the ball with your Turkish dress ?—I, personally ?

Not you personally, but that was the last dress you had ? —I had but one dress.

Was it the last dress her Royal Highness had ?—I do not know which was the last dress. I cannot say how many more she had after that; two I saw.

You have spoken of the dress of the peasant, and the dress of the Turkish lady; was the dress of the Turkish lady the last ?—I believe the peasant was first, and the Turkish the second.

Did several persons call upon her Royal Highness on the morning after her arrival at Naples ?—For several days, several persons of distinction paid their visits.

Do you remember particularly the morning after her arrival ?—Of course, particularly; at first there were numbers.

Were they kept waiting by her Royal Highness, or

did she appear at first?—That I cannot tell exactly, for I did not wait in the drawing-room; I was not page.

Do you recollect going in quest of her Royal Highness, in consequence of persons being waiting there for her appearance?—I cannot charge my memory with that; it might have been so, for it has happened in this country more than once.

You have no recollection of the circumstance on the first day after her arrival?—No, not at Naples; I have not.

Have you any recollection of such a circumstance having happened on the second day after her arrival?—No; not at Naples at all; I know it has happened at Blackheath once or twice, when I have been upstairs.

Bergami rode as courier to Naples; what was his duty after he got to Naples?—He was obliged to attend afterwards as a page, waiting in the drawing-room, carrying breakfast up, and waiting at table.

Did he share that duty with Hieronimus?—Yes.

Was Hieronimus also courier?—He had been on the road, but as soon as he came to Naples, he acted as page.

When you speak of her Royal Highness taking your arm, that was when there were any impediments or steps, or any difficulty of that kind?—Yes, in that way.

Or touching you in conversation?—Yes, by chance.

You do not mean to say or insinuate that there was anything further than that?—No; God forbid.

As far as you recollect, is this plan (*the plan being again shown to the witness*) correct, with the single exception of there being some subdivisions there?—I cannot decide upon it, because I have not sufficiently taken notice of those rooms to be positive of it, for I never dreamt of such a thing happening.

When was the pension granted to you?—No pension was granted to me; it was my salary.

The continuance of your salary?—Yes, I had 300*l.* first, and her Royal Highness was gracious enough to give me 100*l.* a-year more, for acting in the place of Mr. Hoper, as her *homme d'affaires*, when I came to England.

When was that 100*l.* a-year added?—About three or four years ago.

Have you been out on the Continent for the purpose of bringing witnesses to this country?—I had a letter from her Majesty to Carlsrhue.

Did you bring any witnesses to this country?—No.

Had you known Bergami at all, before you saw him at Milan?—Never.

You went out, you say, for the purpose of communicating intelligence of the death of the King?—Yes.

Where did you see the Queen at that time?—I waited for the Queen's arrival at Leghorn.

Re-examined by *Mr. Brougham.*

Do you recollect in the passage that you mention, in which her Royal Highness's room and those of the rest of the suite were, whether there was a water-closet there?—There was a small place used for that purpose; not an English water-closet.

To whom did you take the letter to Carlsrhue the other day?—I carried it to the agent that was sent out, and he kept it: Mr. Leman.

Do you mean that it was a letter to him, or to any other person?—It was directed to the Great Chamberlain; a letter from the Queen; the seal was her Majesty's, directed to the Great Chamberlain.

OCTOBER 9.

HENRY HOLLAND, M.D., was called in, and having been sworn, was examined by *Mr. Wild* as follows:

Did you leave England as Physician to her Royal Highness in the year 1814?—I did.

Did you proceed to Naples with her Royal Highness?—I did.

Did you remain the whole period of her Royal Highness's stay at Naples?—I did.

What description of visitors did her Royal Highness receive at Naples?—With a very few exceptions, she received all the principal nobility, both English and Neapolitan.

Where did you go to after you left Naples?—To Rome, and subsequently to Genoa.

Were you on board the Clorinde with her Royal Highness?—I was.

What description of visitors did her Royal Highness receive at Genoa?—All the English that were at Genoa.

Did you ever, during the period you were with her Royal Highness, observe that her Royal Highness avoided the English?—I did not.

What was the situation of the house occupied by her Royal Highness at Genoa, as to its publicity?—The house her Royal Highness occupied at Genoa, was about half a mile distant from the town, but in a part of the suburb very thickly inhabited.

Did you know a person of the name of Bergami in her Royal Highness's service?—I did.

Did he at any time dine with her Royal Highness, during her stay at Genoa, at her table?—He did not.

During the period that you were with her Royal Highness at the places you have mentioned, what was her Royal Highness's conduct towards Bergami?—Always that of a mistress to a servant.

What was the conduct of Bergami towards her Royal Highness?—I never saw it otherwise than unpresuming and respectful.

Was there any understanding as to the period during which you were to stay with her Royal Highness, previous to her leaving England?—It was generally understood between us, that I was to remain in her Royal Highness's service a year and a half or two years.

At what place did you quit her Royal Highness's household?—At Venice.

Had there been any conversation as to your quitting her Royal Highness's service, before your arrival at Venice?—There had, at Milan.

At whose suggestion was it that you went on to Venice?—At my own suggestion.

When you left her Royal Highness at Venice, did

you then finally quit her service, or was it understood you were to return?—It was understood I was to return.

Did you leave any of the articles belonging to you in her Royal Highness's house, with an intention of returning?—I did.

What was the occasion of your leaving her Royal Highness at Venice, and coming to England?—At Milan her Royal Highness had suggested to me, that if I desired it, I might have an opportuuity of six weeks absence, to make a tour in Switzerland; in consequence of this, I expressed my own wish at this period, that instead of going to Switzerland, her Royal Highness would allow me a short additional absence, from my wish to go to England on account of private affairs; to this her Royal Highness assented, and it then became merely a question whether I should go forward to Venice, or go immediately from Milan.

You have mentioned that her Royal Highness received all the principal nobility at Genoa who happened to be there; do you recollect the names of any of the English nobility who visited her there?—Lord and Lady William Bentinck, Lord Exmouth, Lord Malpas; generally, all the superior officers who were attached to the army at Genoa.

Cross-examined by *Mr. Solicitor-General.*

Did you go from England with her Royal Highness?—I did.

Do you remember, when you were at Genoa, Bergami meeting with any accident?—I do not.

At Naples?—I do.

Was he in consequence of that confined to his bed for any time?—He was, during three or four days.

Do you know who was the servant who attended him during that time?—Majocchi.

Did not Majocchi, during that time, sleep in a small cabinet adjoining the room occupied by Bergami?—I am not aware where Majocchi slept.

Do you remember that there was a sofa in that cabinet?—I do not.

Are you to be understood by that, that you do not remember one way or the other whether there was or was not?—I do not recollect one way or the other.

With respect to the situation of her Royal Highness's house at Genoa, you state that it was in the suburbs, but that the suburbs were populous. Was it not within a court, and surrounded by a garden, or a garden extending through the whole of the back of the building?—There was a small garden in front of the house, and a terrace garden, with a wood, behind the house.

Were you in the habit of dining every day with her Royal Highness at Naples and at Genoa?—At Genoa every day; at Naples not.

Do you remember being at the masquerade at Naples, or the masked ball at Naples, that was given to the Neapolitan King?—I was not there.

Were you ever at a masquerade at the Theatre *San Carlos* when her Royal Highness was there?—I was.

With whom did her Royal Highness go there?—I was not aware till the following morning that her Royal Highness had been there.

Did you remain there during the whole, or nearly the whole of the performance?—Only about an hour, as far as I can recollect; certainly a short time.

Are you to be understood that you do not know with whom her Royal Highness went to the theatre that evening?—I do not.

You have stated that, as far as you observed, the conduct of her Royal Highness towards Bergami was the conduct of a mistress towards a servant; have you upon any occasion ever observed any impropriety of conduct in her Royal Highness towards Bergami; or have you ever stated that you had made any such observation?—I never did observe any impropriety.

Are you acquainted with a minister at York?—I am.

Having reminded you of that circumstance, will you allow me to ask, whether you have ever stated to any person, that you disapproved of the conduct of her Royal Highness with respect to Bergami?—I never have.

Have you ever informed any person whatever, that you did not think the conduct of her Royal Highness

correct, or anything whatever to that effect?—I have not.

You are asked that, not merely with reference to the individual mentioned, Bergami, but whether you have made any observation to any individual whatever with respect to the conduct of her Royal Highness, derogatory to that conduct?—I am so satisfied of the negative that I can venture to swear it.

Have you always entertained the same opinion, since you have had an opportunity of observing her Royal Highness, with respect to her conduct?—I feel it quite impossible to describe, to my own recollection, the fluctuations of opinion I may have had; but this I am satisfied of, that I recollect no change whatsoever of opinion.

Did you ever state, or did you ever inform any individual whatever, that the conduct of her Royal Highness was such that no person who had a regard to his character could continue in her service, or anything to that effect?—I am satisfied I have not.

Did your duty lead you to be much about the person of her Royal Highness?—Very little.

You were engaged, then, in your own pursuits—your own studies principally?—Inasmuch as they did not interfere with my professional duties to her Royal Highness.

At Naples particularly, you were understood to state, that you were much engaged yourself?—Not more at Naples than elsewhere, during my absence from England.

You were understood to say, you did not very frequently dine with her Royal Highness at Naples?—I did say so, or rather I said, that I did not always dine with her Royal Highness at Naples, and always did at Genoa.

Was not the principal opportunity which you had of observing her Royal Highness, that which was afforded at the time when you dined?—It was.

Except when you were required professionally to attend her Royal Highness, you did not attend her either in the forenoon or in the evening, but merely attended for the purpose of dining?—Except when her Royal Highness saw society in the evening, I did not.

During these occasions, when you did dine, Bergami acted as waiter at the table ?—He did.

Both at Naples and at Genoa ?—Both at Naples and at Genoa.

How long were you at Milan before you proceeded to Venice ?—I believe exactly a fortnight.

Do you remember, during the time of your residence at Genoa, any individuals belonging to the family of Bergami joining her Royal Highness ?—I do.

His sister Faustina ?—I was not aware of that.

Do you mean that you were not aware that Faustina was his sister, or that you were not aware that Faustina entered into the service of her Royal Highness ?—I was not aware that any person of that name entered into the service of her Royal Highness.

Did you know a person of the name of Martini ?—I did not.

Was there a little child that came, of the name of Victorine ?—There was a little child came, whose name I did not know.

Was there a female came with that child ?—I saw an elderly person, whom I believed to be the mother of Bergami.

The only female whom you recollect as having come with that child, and having entered the service at Genoa, was the person so described as the mother of Bergami ?—I do not recollect any other, but it is perfectly possible.

Do you remember a person of the name of Louis Bergami entering the service ?—I do.

In what capacity did he enter ?—I am not aware.

Did you see him wait as a servant at table ?—I did.

Did he wear a livery ?—He did.

About what period of your residence at Genoa was it that Louis Bergami entered into the service of her Royal Highness ?—I do not recollect.

Was it towards the beginning or towards the latter end, as far as you recollect ?—As far as I recollect, towards the beginning.

How long did Lady Charlotte Campbell continue with you at Milan ?—Till within three or four days of her Royal Highness's departure from Milan.

After she left, was there any lady in the service, except Madame Oldi?—There was not.

How soon after Lady Charlotte Campbell left, did Madame Oldi enter?—As far as I recollect, two days afterwards.

You did not travel in the same carriage with her Royal Highness?—I did not; I have occasionally done so, but rarely.

The question refers to the journey from Milan to Venice?—I did not.

When Madame Oldi first came into the service at Milan, were you aware that she was the sister of Bergami?—I was not.

How long was it afterwards before you knew that she was the sister of Bergami?—I did not know it while in attendance upon her Royal Highness.

What period of time elapsed after Madame Oldi came into the service, before you ceased to be in attendance upon her Royal Highness?—About eight days.

When you arrived at Venice, at what hotel did you lodge?—At the Gran Brettagna.

Did her Royal Highness continue there during the whole period of her residence at Venice?—She did not.

How long did she remain there?—I rather think, in the hotel itself, but one night.

Where did she go to then?—To a house immediately adjoining the hotel, and, I believe, belonging to it.

Was Mr. William Burrell of your party?—He was.

Did you and Mr. William Burrell go to the house with her Royal Highness, or did you remain in the hotel?—We remained in the hotel.

Did you dine with her Royal Highness at the house to which she removed, or did you dine in the hotel?—We dined in the house to which she removed.

With her Royal Highness?—With her Royal Highness.

Do you happen to recollect whether you dined every day during your residence at Venice?—I believe every day.

Did her Royal Highness quit Venice before you did, or did you go first?—I went first.

Did you ever afterwards rejoin her Royal Highness? —Never.

Do you know whether Madame Oldi could speak French?—I do not know.

Did you ever hear her speak French?—I always conversed in Italian with her.

Re-examined by *Mr. Wilde.*

You have been asked whether the house which her Royal Highness occupied at Genoa was in a garden; was it in a conspicuous situation, or a private situation? —In a conspicuous situation.

Was it a particularly conspicuous situation?—The house was raised upon a terrace.

Was it conveniently situated for receiving visitors from Genoa?—I believe it was.

You have stated when you returned to England; have you remained in England ever since?—No, I have not.

How long have you been in England since you quitted her Royal Highness's service?—I have been three or four times absent from England during that interval, which interval is nearly six years.

Have you generally resided in England during that period?—I have; my absences were always for a very short period.

Have you been practising as a physician in England? —I have, during the last five years in London.

Have you ever been examined by any one, during that period, respecting the conduct of her Royal Highness?—Never.

Has any person asked you to be examined during that period?—Never.

CHARLES MILLS, Esq. was then called in, and having been sworn, was examined by *Mr. Denman.*

You generally reside at Rome?—I do.

Did you reside there in the summer of 1817?—I did.

Have you had the honor of seeing the Princess of Wales there?—I called upon her Royal Highness the day after her arrival.

Do you know how long she remained at Rome?—I

remained there myself but twelve days, therefore I cannot tell how long she remained at that period.

You left it before her Royal Highness?—I did.

Had you the honor of her Royal Highness's acquaintance before that period?—I had.

During those twelve days you have spoken of, were you repeatedly at her Royal Highness's house or hotel?—I dined at the Gran d'Europa most days while her Royal Highness remained there.

With her Royal Highness?—Yes, with her Royal Highness.

Can you inform the House whether at that time she was visited by persons of high rank?—She was.

Will you mention some of their names?—The persons that I saw at her Royal Highness's table, were but few; the Baroness Ancajanni, who was appointed by the government to attend her Royal Highness.

Was any other lady of rank appointed by the government to attend upon her Royal Highness?—The Duchess Zagarolla.

Was she attended by a guard of honer also?—She was, and had all other marks of distinction prepared for her, such as a box to see the ceremony of the Corpus Domini, the same as other Royal Personages who were then resident at Rome.

You have mentioned the two ladies appointed to attend upon her Royal Highness, as having dined with her; do you recollect whether other persons of rank of either sex dined with her also?—I remember Lord Kilworth to have dined with her; the Abbé Taylor was her constant guest.

Did any of their Eminences dine there?—I never saw them.

At other times did other persons of rank pay their respects to her Royal Highness, attend her parties?—Her parties had not commenced while she remained at the Gran d'Europa, but persons of rank came to pay their evening visits.

Was Bergami at that time her Royal Highness's chamberlain?—He was.

Did he in that character dine at her Royal Highness's table?—He did.

Have you often seen her Royal Highness and her chamberlain Bergami in company together?—Frequently.

Did you ever see the smallest impropriety of conduct between those two individuals?—Never.

Does that answer apply to the period of her Royal Highness being at Rome while you were there, and to other times also at which you may have seen her?—Perfectly.

Did you pay your respects to her Royal Highness at Pesaro in the year 1819?—On my return from Venice I called at her Royal Highness's Villa at Pesaro.

How long did you remain there?—I remained there two days; her Royal Highness was out airing when I called, but on her return she sent her carriage with one of her equerries and William Austin, to desire that I would come to her house that evening.

And you went?—I did.

How long did you remain on that visit?—I arrived at her house about seven o'clock or eight o'clock perhaps; I remained there the evening, supped, and returned to the inn.

Did you pay your respects to her Royal Highness on the following day?—Her Royal Highness sent her carriage and equerry to show me whatever was worth seeing in the town of Pesaro.

Did you afterwards wait upon her Royal Highness at her Villa?—I returned there to dinner.

And dined with her?—And dined with her.

Did you spend the evening in company with her Royal Highness?—After having walked with her Royal Highness about the grounds, I remained about an hour, and then proceeded on my journey, as I wished to go as far as the fair of Sinigaglia, it being the last day of the fair.

Had you the honor of paying your respects to her Majesty after she became the Queen of England?—I was at Rome when her Majesty arrived there.

When was that?—In 1820.

State the month, and if possible the day of the month?—I hardly know the month, it might be February; her Majesty had received an account of the King's death

Had she assumed the title and dignity of Queen of England?—She had.

Had she two ladies of honor then appointed to attend her?—She had not.

Was any guard of honor in attendance at her hotel?—There was none.

Nevertheless, did persons of rank, both of Rome and England, do themselves the honor to pay their respects to her Majesty?—Several.

Have the goodness to name them?—The Countess ——; I speak of those who wrote their names in her Majesty's book.

Did you see them do so?—I saw the book.

What persons of rank did you see attending at her Majesty's hotel, or paying their respects there?—I saw none; I only heard of it, and saw it in the book.

Do you know whether it was understood that the funeral of his late Majesty had then taken place?—I think it had.

Was Bergami chamberlain to her Majesty in the year 1819, and in the year 1820 also?—He was.

Was there any difference in the general appearance of her Majesty's household between those three periods?—None.

Did you ever see anything in the conduct of those two parties towards each other in the slightest degree derogatory to the honor of the English empire, or likely to wound the moral feelings of this country?—Never.

Independently of the conduct of her Royal Highness and her Majesty towards Bergami, did you in other respects ever perceive that her Majesty conducted herself, either in public or in private, in any way to which a just exception could be taken.

The Attorney-General objected to this question, as being not only a leading question, but one entirely travelling out of the point of inquiry.

Mr. Denman with much animation contended for the propriety of the question he had put. Did not the bill, he asked, both in letter and spirit, arraign her Majesty's conduct in public and private? Did it not describe it as being derogatory to the dignity of the crown, and disgraceful to the moral feelings of the people of this coun-

try? Were not these the terms used to define her Majesty's conduct in the very preamble of the bill? Here is, then a man, who has seen her Majesty's conduct in Italy at three different periods; who had frequent opportunies of witnessing it; and who positively and distinctly, speaking from his own actual knowledge, negatives the assertion in the bill. Was he, then, while combating the bill, to be refused the benefit of so material and so proper a witness?

The Attorney-General said he did not mean to restrict his learned friend from going into any inquiry which he deemed material—he only objected to his proceeding to question the witness in so leading and so general a manner.

Mr. Brougham denied that the question just put was a leading one. Her Majesty's conduct was generally impugned by the bill, and he wanted to show that it was unjustly impugned. This witness had competent means of forming an opinion.

The Earl of Liverpool said he certainly saw no objection to the question being put; but he could not help suggesting to the learned counsel who put it, whether, if evidence on the one side of general conduct, without touching on the special charge, were admitted, it would not be open to the other side also to adduce evidence as to general conduct?

The Lord Chancellor saw no legal objection to the question.

The question was proposed.—I never did.

At all the times at which you have seen her Royal Highness and Bergami together, did he treat her with the respect that was due to her exalted rank?—I never saw him behave otherwise than with the utmost respect.

There was no degrading familiarity?—None whatever.

Cross-examined by *Mr. Attorney-General.*

Did Bergami dine at the table every time you dined with her Royal Highness at Rome?—He did.

Where did he sit usually?—He had no particular place

that I can recollect; I have seen him at various parts of the table.

You were understood to say, that besides seeing Bergami at table with her Royal Highness, you have seen her Royal Highness and Bergami at other places in Rome?—I saw them attending the Corpus Domini together; I saw Bergami in attendance upon her Royal Highness when they were at the ceremony of the Corpus Domini.

In what manner was he in attendance at that ceremony?—As chamberlain.

Where was her Royal Highness?—In a box prepared for her by the government.

Where was Bergami?—Behind her Royal Highness.

Standing or sitting?—When I saw him, he was standing.

Were there any of her suite with her at that time?—Several.

How many times did you dine with her Royal Highness at Rome?—Upon the first occasion I dined with her three or four times, certainly.

Three or four times?—Three or four times

As many as three or four times?—Quite as many.

You state, that besides the persons whose names you have enumerated, other persons of distinction called upon her Royal Highness at that time at Rome, in the year 1817; can you enumerate the names of any of those other persons?—The ladies that were in attendance upon her were generally there, and many others of the Roman nobility, certainly, and the cardinals; I met the Cardinal Gonsalvi going up the stairs as I came down one day.

If there were many other persons, probably you can have no difficulty in enumerating some of their names?—I usually dined with her Royal Highness, and after dinner I quitted her; the persons usually came in the evening.

Were you there in the evening?—Once or twice; her Royal Highness was lodged at the inn at this time; she had no established house at Rome.

When you say that other persons of distinction visited her Royal Highness in the evening, are you speaking that from what you have heard, or from your own per-

sonal knowledge?—From my own personal knowledge, the evening I passed there.

Then the evening or evenings you were there, can you enumerate the names of any of those persons of distinction, besides those you have already mentioned?—The evening I was there, I do not remember other names than those I have mentioned.

You have stated, that in the year 1819 you visited her Royal Highness at Pesaro; that when you called she was not at home, but that one of her equerries and William Austin afterwards called upon you; who was that equerry?—The Chevalier Vassali.

Did Bergami sup at Pesaro with her Royal Highness and yourself?—He did.

Did he dine with you the following day?—He did.

What other persons dined at Pesaro on that occasion?—There were no persons but those of her Royal Highness's establishment.

Can you mention the names of the persons of her Royal Highness's establishment who dined with you at Pesaro?—Vassali, Bergami, the Countess Oldi, William Austin; the names of two other persons who were at table I was unacquainted with.

Was Louis Bergami one of those other persons?—I cannot say that he was, for I am not sure that I am acquainted with his person.

Of course, whether he was one of those two whom you dined with, you cannot say one way or the other?—I cannot.

Are those occasions that you have mentioned the opportunities you had of seeing her Royal Highness, at Rome, and at Pesaro?—They were.

And the only occasions?—The only occasions.

Re-examined by *Mr. Denman.*

Had you the honor of being acquainted with her Royal Highness before she left England?—I had.

JOSEPH TEUILLE was called in, and having been sworn, was examined as follows by *Mr. Williams.*

Were you formerly Colonel upon the Staff of the Viceroy in Italy?—Yes.

And afterwards upon the Staff of France ?—Yes.

Are you a Chevalier of the orders of the Iron Crown and the Legion of Honor ?—Yes.

Had you a brother who was a General of Division ?—Yes.

Do you know Bergami ?—Yes.

Where did you first know him ?—I knew him filling the functions of Quarter-Master (Mareschal de Logis) in the first Italian regiment of hussars.

In what year was that ?—Towards the end of the year 1800, and the beginning of the year 1801 ; it was the eighth or ninth year of the French Republic.

Was that brother of whom you spoke just now the General that commanded Bergami at that time ?—My brother, the general of brigade, commanded a brigade of cavalry, composed of two regiments—the first regiment of hussars, and a regiment of chasseurs.

Were you aid-de-camp to your brother ?—I was aid-de-camp to my brother, the General Teuillé.

What was the conduct of Bergami at that time ?

Mr. Parke objected to the question.

The counsel were informed that the question might be put.

The question was proposed, and the witness said :

The conduct of an inferior officer, non-commissioned officer, who has never done anything to reproach himself with ; in short, the conduct of a good soldier.

Was General Galimberti acquainted with Bergami at that time ?—Yes, he was.

Did they come from the same part of the country ?—They are of the same country.

Did you ever see Bergami at either of the parties, either dinner or evening parties, of the general ?—No.

Did you continue acquainted with Bergami at that time, or was there some interval before you saw him again ?—A great deal of time intervened.

Did you ever see Bergami at the evening parties of the General ?—No, I did not see him—but I know that he went to the house of Monsieur Galimberti.

As there was some interval, where did you see Bergami next ? in what country, and at what time ?—On the frontiers of Spain.

In what year or years?—It was either in the year 1808 or 1809; it was at the time when Marshal St. Cyr commanded the division of the French army which proceeded to Spain, but I cannot exactly say the time, but it was about that time.

In whose service was he at that time?—He belonged to the household of General Pino, who commanded a division of the Italian army.

Do you know in what manner he was treated by General Pino?—With a great deal of confidence, because he was the person who had General Pino's whole confidence.

Did you visit General Pino yourself?—I visited General Pino when the business of the service required it.

Did you see Bergami on those occasions?—I have seen him sometimes, not always.

Do you know, of your own knowledge, whether he occasionally dined with General Pino at the General's parties?—I cannot affirm that.

In what estimation was he held at that time by General Pino and the officers? how was he received and treated by them?—With the greatest confidence; as a man, who enjoyed the whole confidence of a person in the situation of General Pino.

In what esteem was he held by the officers?—He was very well liked, and esteemed as an honest man (*Comme un honnête homme*).

Cross-examined by *Mr. Parke.*

Did you know Bergami, when he was in a prison at Lodi?—I never heard anything of it.

You say that he was in the household of General Pino: was he not a servant in General Pino's family?—He was a confidential courier (*particulier*) of General Pino, and entrusted with all his affairs, with all the affairs of his house.

(*To the Interpreter.*) Is "confidential" the proper translation of the word "*particulier*"?—It has different meanings; it may mean confidential, or his private courier.

(*To the Witness.*) What do you mean by the term "particulier"? a private courier, or in what other sense do you use that word?—He was a courier particularly attached to General Pino, as a person of trust or confidence.

You did not see anything of Bergami between the year 1801 and the year 1808 or 1809, when you saw him in the service of General Pino?—No.

At what period in the year 1808 or 1809, was it you saw him in the service of General Pino?—I have already stated that I do not particularly recollect the year; it was when General Pino's division was marching towards Barcelona.

Can you say at what time of the year it was?—It was at the beginning of the winter.

You cannot say whether that was the beginning of the winter of 1808 or 1809?—I cannot precisely state the period; I know it was the beginning of winter.

How long had you an opportunity of seeing him in General Pino's service?—As a division does not always remain together, a brigade was detached from the rest of the division; that being the case, I cannot say exactly how long he remained where I was.

Was the army in march at the time you knew him?—We were not actually in march, but we were about to move in order to pass the River Fluvia.

Did you see whether Bergami was in a courier's dress or not?—Always in common clothes.

Have you been in England before you were here this time?—Never.

When did you come to London?—I first came to London nearly six weeks ago, or a month and a half ago.

Have you remained in England ever since you came?—The first time I remained in England twenty days.

Where did you go afterwards?—To Paris, where I am established.

Did you remain at Paris, or did you go anywhere else?—I never moved from Paris, for we cannot quit that place without leave from the General of Division and the Minister of War.

Were you at Beauvais when you went to Paris?—In

going to Paris I was with a messenger; the road to Paris is through Beauvais, but it so happens that that town is passed at night, because it is with a messenger who never stops.

You are understood to state, that you passed through Beauvais in the night-time?—Yes, because the courier regularly passes through Beauvais in the night, and I left Calais with the courier, who goes on regularly without stopping.

Do you know a person of the name of Rossi?—I have known several persons of the name of Rossi.

Do you know a person of the name of Rossi who comes from Lugano?—I know a family of the name of Rossi who are of Lugano.

Did you see that person either at Beauvais or at Paris?—I saw him once at Paris.

Was that when you were at Paris the last time?—No, it was previously to my coming to England the first time.

How long ago is that?—It was previously to my coming; it may be between two and a half and three months ago.

Had Rossi any persons with him that were coming from Lugano?—I do not know.

Had he any persons with him at the time you saw him?—He was alone; there was nobody with him.

Had you heard of the tumult that had occurred at Dover at that time?—I read the account of it in the French papers.

Did you communicate that to Rossi?—No, there was nothing mentioned of that.

At no time at Paris?—I never spoke of it to him, because I saw him but once, and that was only for a quarter of an hour at the most.

That was the only time you saw him?—It was the only time; and I only remained with him, perhaps, a quarter of an hour.

Who applied to you to come here?—The Queen, by a letter of hers.

The witness was directed to withdraw.

CARLO FORTI was called in, and having been sworn, was examined by *Mr. Denman.*

Were you a courier in the service of her Royal Highness?—I was.

When did you enter it?—On her departure from Milan.

Do you recollect whether that was in the year 1817?—Yes.

In whose service were you immediately before?—Before I entered the service of her Royal Highness I was in the service of the Viceroy of Italy.

What were you in, the Viceroy's service?—As chief cabinet courier.

You have said, that you entered the Princess's service at the time that she was going away from Milan; where was she then going?—She was going to Rome,

Did you apply to be taken into her service?—I did.

From what motive did you make that application?—Because at that moment I was out of service.

You have stated, that the Princess was going to Rome; have you yourself any relations there?—Brothers.

Any other near relations?—The Duchess of Torlonia.

The wife of the banker there?—Yes.

What relation is the Duchess to you?—She is my aunt.

On the journey from Milan to Rome, in what carriage did the Princess travel?—In a small English landaulet.

How many other carriages had her Royal Highness with her upon that occasion?—Two more.

What sort of carriages were those two?—One was a bastardella, and another was a caratella or calash.

What sort of a carriage is a bastardella?—It is a covered carriage, with four seats inside.

Was the landaulet of which you have spoken an English carriage?—It was.

Was it a different looking carriage from the bastardella?—Certainly.

Was that a carriage of a perfectly different appearance?—Quite so.

Was it also perfectly different in appearance from the caratella ?—Certainly.

Had her Royal Highness any other carriage than those three with her upon that journey ?—No.

Upon that journey, in which of the three did her Royal Highness herself travel ?—In the landaulet.

Had the landaulet glasses, as is usual with such carriages ?—It had.

Had it Venetian blinds ?— It had.

Had it any curtains ?—It had.

What sort of curtains ?—Silk.

Do you mean silk curtains which drew aside, or which drew up and down with a spring ?—The curtain was pulled down by the means of two strings, which kept it confined, and was lifted up by a spring.

Do you remember her Royal Highness leaving Rome to go to Sinigaglia ?—I do.

Did her Royal Highness travel by night or by day ? —By night.

Do you know where they slept on the first night on the road ?—On the road.

Where did her Royal Highness rest the first day on the road ?—At Otricoli, at nine in the morning.

Where did her Royal Highness rest the second day ? —At ten in the morning at Nocera.

About what time did they arrive at Sinigaglia ?—On the following day, at eleven o'clock.

Do you know a person of the name of Sacchi or Sacchini, who is in her Royal Highness's service ?—I know Sacchini.

Did he accompany her Royal Highness on the journey you have just been speaking of ?—He did.

How did he travel upon that journey ?—From Milan to Ancona on horseback, and from Ancona to Loretto, and from Loretto to Rome ; he set out a day before her Royal Highness, in the caratella, in the evening, and there I mounted myself on horseback, and accompanied her Royal Highness as far as Rome.

Did you mount on horseback at Ancona or Loretto ? —At Loretto.

From Rome, when her Royal Highness went to Sinigaglia, how did Sacchi travel, and how did you travel ?

—He travelled in the caratella before, and I on horseback with the carriages.

How long before did Sacchi set out upon that journey in the caratella?—Two hours before.

What was his business to do on that journey, going before her Royal Highness?—To order horses, and to pay for the horses.

How did you travel yourself upon that same journey?—Always on horseback.

Did you accompany the carriage on horseback?—Always.

When you came near any stage, did you go before her Royal Highness's carriage?—About half an hour before reaching the end of the stage.

Do you mean to say that, except that half mile before reaching the end of the stage, you always rode close to her Royal Highness's carriage?—I do.

Did Sacchini order horses for her Royal Highness in the way you have described, going before her Royal Highness in the caratella the whole of the way from Rome to Sinigaglia?—He did; and he paid for them at the same time.

Did any other person ride as a courier with her Royal Highness on that journey, except yourself?—No, there was no other.

If there had been any other must you have seen him?—Certainly, because I was always there.

Did any other courier or person on horseback, except yourself, accompany any of the other carriages upon that journey?—No one except myself.

Who travelled with her Royal Highness in the landaulet upon that occasion?—Her Royal Highness, Countess Oldi, Bergami, and Victorine.

In whose lap did Victorine generally sit upon that journey?—Very often she was on the knees of her Royal Highness.

Did you see her also in the morning upon the Countess Oldi's knees sometimes?—Sometimes.

Where did the Countess Oldi sit in the carriage?—In the middle.

Do you mean in the middle between the Baron and her Royal Highness?—Her Royal Highness on the

right, the Baron on the left, and the Countess in the middle.

Do you recollect whether, during any part of the journey from Milan to Rome, or from Rome to Sinigaglia, the Countess Oldi was in the other carriage from her Royal Highness?—At Loretto she fell ill, and went in the second carriage.

Whose place did she take in the carriage?—She took the place of De Mont.

Where did De Mont go when Madame Oldi took her place?—She took the place of Madame Oldi.

Do you mean she took Madame Oldi's place next her Royal Highness in the middle of her landaulet?—I do.

Was this upon the journey from Loretto to Rome, or from Rome to Sinigaglia, that this accident happened?—From Loretta to Rome.

After leaving Rome to go to Sinigaglia, did De Mont, or anybody except Madame Oldi and the Baron, ever travel in the carriage with her Royal Highness?—There did not.

On that journey, was Madame Oldi always in the carriage, and always in the middle, as far as you saw?—She was.

Did you always see her in this situation in the morning, when her Royal Highness arrived anywhere?—Morning as well as evening I saw her, for I was always there.

In travelling as a courier with the carriage of her Royal Highness, was it your practice, for any purpose, to go up to the carriage for the purpose of speaking to her Royal Highness, or any other person in the carriage, at any time?—When they arrived at the end of a stage, and the carriage stopped, then I knocked against the door of the carriage, and I asked whether they wanted anything.

In travelling in that way by night, in what way were the windows of the carriage?—In the front there was a glass; and on the right and left, by the side, sometimes, during the night, they put up the Venetian blinds.

Could any air, though in a small quantity, then, when the glass was down, and the window altogether open,

enter by the Venetian blinds?—There was the air that came in by the means of the spring opening the Venetian blinds.

Do you remember about the time that the change took place, and Madame Oldi going into the other carriage, and coming back, any accident happening?—At Foligno the horses ran away, but this happened in going to Rome.

Do you remember on that occasion any accident happening to the work bag, or any other bag of one of her Royal Highness's maids?—I do not.

Did that accident at Foligno, the horses running away, happen at the time that Madame Oldi changed her place in the carriages?—It did.

Did you ever see the Baron kiss the Princess at any time upon taking leave of her, or at any other time?—I never saw him kiss the Princess.

Did you ever see the Baron take leave of her Royal Highness upon any occasion?—Yes, I have.

What did the Baron do, in taking leave of her Royal Highness, when you saw him?—He kissed her hand, and nothing else, with much respect.

Did you yourself, on taking leave of her Royal Highness, on any occasion, kiss her hand?—I have.

Did the other members of her Royal Highness's suite do the same thing?—Yes, equerries, chamberlain, and all those gentlemen who came to pay visits to her Royal Highness.

Were you in the habit of kissing the hand of persons of rank with whom you had formerly served as courier?—I did so to the Vice-Queen, as well as to the Empress Josephine.

Cross-examined by *The Attorney-General.*

Are you still in the service of her Majesty?—I am.

Did you travel with her as courier when she came to this country.—I did.

When did you last see Bergami?—The last time I saw him at St. Omers.

Did the Baron Bergami travel with her Majesty the Queen as far as St. Omers?—He did.

Do you know the wife of Bergami?—I do.

Where does she live?—At Milan.

Bergami has the title of Baron della Franchina?—He has.

Is his wife styled the Baroness della Franchin?—I never heard that so.

Have you ever seen Bergami's wife in company with her Royal Highness?—I have never seen her.

Whereabouts does Bergami's wife reside,—at Milan, or the neighborhood of it?—She lives in Milan.

In what part of Milan?—She lives near the Porta Ticinese; but I should know the streets very well, I should be very well acquainted with the streets, to tell you what the street is.

Have you ever been in the house where she lives?—I have.

What sort of a house is it in which she lives?—It is a neat house, that fits a private individual.

In what manner does the wife of Bergami live there?—She lives as all other persons can live.

In what sort of style or situation?—In the style of a private person.

Describe more particularly the style in which she lives?—For my part, to tell the truth, I have never been in her house to inquire what she does or does not do.

Has she any servants?—She has servants, and a waiting-maid.

How many servants?—She has a man-servant, and a maid who performs the office of a waiting-maid.

How long has she lived in the house in which she now resides?—I have always seen her there, but I know not where she lived before.

Do you know the name of the man-servant who attends her?—I do not know, because I have never been acquainted with him.

How do you know that she has a man-servant?—I have seen him in the house when once I went to see, but his name I do not know.

Then you have been in the house?—I have just told you that I have once been in the house.

When was that?—How do you expect that I should

remember that; I have been once; it may be about a year ago.

Do you mean to say it was about a year ago?—I do.

Upon what occasion was it that you went to the house a year ago?—I carried a letter to her.

From whom?—From her husband.

Where was Bergami at that time?—He was at Pesaro.

Did you go from Pesaro to Milan with this letter?—I did not.

Upon what occasion was it you went to Milan at that time from Pesaro?—For some business of her Royal Highness.

Did you go alone?—Alone.

How long were you at Milan at that time?—Two days.

Where did you go from Milan?—To Pesaro

Do you know others of the family of Bergami?—There are relations; there is a certain Louis Bergami, his brother.

Is that the only relation of Bergami whom you know?—There are other persons, his cousins.

What are their names?—One is called Bernardo Bergami.

What are the others?—The other, Francesco Bergami Valolta.

Are those the only relations of Bergami that you know?—There are other relations, but I do not know them all.

Do you know any others?—There are his sisters.

What are their names?—One I know is called Faustina Bergami.

You do not know the others?—The others I do not know.

Have you ever seen the Countess Oldi?—I have.

Is she any relation of Bergami?—She is his sister.

Where have you seen the Countess Oldi?—I have always seen her at the house of her Royal Highness.

Do you remember any other relations of Bergami?—I do not remember any others in the house of her Royal Highness.

You are then to be understood, that all those whom

you have mentioned, are in the house of her Royal Highness?—They were once.

In what situation was the Countess Oldi?—Dame d'honneur.

In what situation was Faustina?—She kept the account of all the linen.

In what situation was Louis?—Equerry.

In what situation was Bernardo, the cousin?—He was prefect of the palace.

What was Francesco?—The accountant.

You having lived with her Royal Highness for four years; do you mean to say there were no others of the family of Bergami living with her Royal Highness during any part of that time?—I have seen no other.

Do you know Bergami's mother?—I do.

Did she ever live in her Royal Highness's house during the time you were there?—She came once to pass a few days at Caprili.

How long did she remain at Caprili?—About two months, more or less; I cannot well remember that thing.

Where did the mother live at other times, do you know?—She lived at Milan.

Whereabout in Milan?—In the town, in a house.

In what part of the town?—I do not know.

When the mother was at the Villa Caprili, where did she dine?—Sometimes she dined with her Royal Highness, sometimes she dined by herself.

Where did Faustina dine?—Always in her own room.

Do you mean to swear that Faustina always dined in her own room?—I cannot swear that she always dined in her own room, but I saw that she did not dine with the others, and always dined by herself.

Where did Louis dine?—Louis dined with her Royal Highness; he did sometimes, and sometimes he did not.

Where did the Raggionato Francesco dine?—At our table.

Always?—Always.

Do you know Faustina's husband Martini?—Martini, I do.

Where does he live?—At Milan.

Did not Martini at one time live at the Villa d'Este?

—I do not know, because at that time I was not in the house; I was not in the service.

You have stated that Bergami accompanied her Royal Highness to St. Omers; did any other of Bergami's family accompany her Royal Highness to St. Omers?—No one else of the family.

Where did you leave the others of the family?—Some at Milan, some at Pesaro.

You have stated several journeys you took with her Royal Highness from Milan to Rome; who were upon that journey?—Countess Oldi, Baron Bergami, Mr. Hownam, the Chevalier Vassali, and Louis Bergami; Mademoiselle Brunette and Mademoiselle De Mont, and the little Victorine.

Who travelled in the caratella from Milan to Rome? —Which caratella?

You were understood to distinguish one of the three by the description of a caratella?—Mr. William and Monsieur Vassali.

Who travelled in the bastardella? — Mademoiselle De Mont, Mademoiselle Brunette, and Mr. Hownam.

Only three?—Only three.

How did Louis Bergami travel?—Louis Bergami arrived at Rome one day before us; he set out before.

What carriage did Louis Bergami travel in?—In a caratella with two seats.

Was that another carriage belonging to her Royal Highness?—It was.

How many carriages accompanied her Royal Highness when she went from Ancona to Rome?—Her own and two more carriages.

How many carriages accompanied her when she went from Rome to Sinigaglia?—Three carriages, including her own.

Who travelled from Rome to Sinigaglia in the bastardella? — Mademoiselle De Mont, Mademoiselle Brunette, and Mr. Hownam.

Who travelled in the caratella?—Mr. William and Mr. Vassali.

Who in the carriage in which her Royal Highness travelled?—The Countess Oldi, her Royal Highness, the Baron, and Victorine.

How did Louis Bergami travel from Rome to Sinigaglia?—He set out before.

With whom, by himself?—In the caratella, by himself.

Those were the four carriages belonging to her Royal Highness?—They were.

Did they travel in that way the whole way from Rome to Sinigaglia?—Yes.

What other couriers had the Princess in her service at that time, besides yourself?—No other courier; after me there was Sacchini; I and Sacchini.

Was it not very hot weather when they went from Rome to Sinigaglia?—Very hot.

Was that the reason of her travelling by night?—Her Royal Highness travelled by night on account of the heat.

In what order did those carriages go forward; her Royal Highness's first, the bastardella second, and the caratella the third?—Her Royal Highness went first, the bastardella was the second, and the caratella was the last.

Was Theodore Majocchi on that journey?—He was.

Was Racchi on that journey?—Ferdinando Racchi.

How did they travel?—On the box of the bastardella.

Were there two servants called Soliman and Polidore?—Yes.

Were they also on that journey?—They were.

(*To the Interpreter.*) Does the word used for curtain in Italian, apply as well to the blind that lifts up, as to the curtain that draws aside?—Yes.

What is the Italian word?—Cortina and tendina; there is a little distinction as to their origin, but not as to their meaning.

(*To the Witness.*) How did Soliman and Polidore go upon that journey?—Soliman on the box, and Polidore came a day after, for he remained at Rome.

On that journey from Rome to Sinigaglia, did not you go on, and order horses from stage to stage?—No, Sacchini set out from Rome two hours before.

Will you swear you did not go on and order the horses at each stage?—No, I remained with the carriages, and Sacchini set out from Rome in a carriage.

Upon your oath, did you not go on and order the horses at each stage?—I will swear, even to a hundred thousand times, that I was always with the carriages.

Who ordered the horses?—Sacchini set out before in the caratella.

Then Sacchini travelled in the Princess's caratella?—No, it was a carriage that he took from stage to stage.

How came you to swear, in your examination in chief, that he went in the caratella?—Every carriage is called a caratella in Italy, and I meant a caratella de posta; that is, a carriage he took from stage to stage.

What was the reason of Sacchini travelling, on that occasion, in the caratella?—Because he was not fit to mount on horseback; for when he had run a post or two, he was all chafed.

Then he did travel part of the way on horseback?—As I have said before, coming from Milan, as far as Ancona only.

How long had you been at Rome, before you set out from Rome to Sinigaglia?—Two months.

Do you mean to say, that this accident to Sacchini happened two months before you set out from Rome to Sinigaglia?—He set out from Milan to go to Rome, and he was chafed five or six stages afterwards; and at Parma requested me to get him a carriage, and to tell nothing to the Baron Bergami. He travelled, as I have told you, in a caratella de posta from Rome to Sinigaglia, and changing the carriages at every stage.

Before you set out from Rome to Sinigaglia, had you not been at Rome upwards of two months?—Two months at Rome the Princess was, June and July; the first of August we set out.

What was the reason of Sacchini's travelling from Rome to Sinigaglia in a carriage?—Because he was not good to mount on horseback, and he soon got tired, and was chafed.

Did he go any part of that journey on horseback?—From Rome to Sinigaglia, and neither from Loretto to Rome.

How long had Sacchini been a courier in her Royal Highness's service during the time you were there?—Twelve or thirteen months at the most.

Was not Sacchini the courier on her Royal Highness's tour through Germany?—He was in her Royal Highness's service, but I was not, at that time.

Where did you reside during the time you were at Rome?—At the hotel of Europe, in the Piazza di Spagna, opposite the palace of the Spanish Ambassador.

Did you sleep there?—I did.

How long were you at that hotel?—Six days.

Where were you afterwards in that house?—Do you wish to ask as to me or her Royal Highness?

You?—I always was at the house of her Royal Highness.

Do you mean to say, you slept at the house of her Royal Highness every night that you were at Rome?—I do.

Did you ever sleep in any other place?—No.

Were you ever at Rome at any other time with her Royal Highness?—No.

As that was the only time, at that period did you sleep every night in her Royal Highness's house, or did you not sleep elsewhere for a considerable time?—I have always slept in the house where her Royal Highness lodged.

Were you not, at that time when you were with her Royal Highness, confined in prison?—I was not.

Nor at any other time when you were there with her Royal Highness?—When I was with her Royal Highness, never.

Were you ever in prison at Rome?—How, in what way in prison?

Did you ever sleep in prison; were you ever confined in prison?—Once I was arrested at a watchhouse at Piazza Collonna for five days.

When was that?—It was when I went to fetch the money from the banker, the Duke of Torlonia; when I was at Storta, the postillions would not give me the horses, and the postillions began to ill-treat me, and I began to retaliate, to beat them; the postillions came seven against me with their stable forks; I drew out my pistol and fired, and at that time arrived the courier of Monsieur Calcagnini, and he held my arm, at the time

that I had pulled the trigger to kill one of the postillions, and he in this way got the fire himself; then the governor, Monsieur Calcagnini, saw that I was right, kept me five days under arrest, and then let me go.

Was not the postillion killed?—I did not kill the postillion.

Was not one of the postillions killed upon that occasion?—No postillion was killed upon that occasion.

Was the courier injured?—I made him a hole as large as that here (*in the belly*).

Did he not die in consequence of that wound?—He was forty days ill; he was my friend; it was through an accident.

When you were at Rome you say you visited Ruffinelli; how far is Ruffinelli from Rome?—There are twelve miles from Rome to Frascati, and there is half a mile to go to Ruffinelli from Frascati.

Do you mean twelve Roman miles, or what other miles?—Roman miles.

Re-examined by *Mr. Brougham.*

Is Storta the first stage from Rome?—Coming out from Rome to go towards France, it is the first stage.

Do you mean, that it was the first stage in going from Rome back to her Royal Highness?—To come to Pesaro.

Were you going then from Rome to Pesaro to her Royal Highness?—I was.

Had you in your charge at that time a large sum of money for her Royal Highness?—Fifteen thousand dollars.

You say this courier, whom you had the misfortune to wound by accident, was a friend of yours?—He was, he is still my friend; and he is at present at Rome.

It was not at him you were firing at the time?—No, it was to kill one of the postillions.

Do you mean one of the seven postillions, who were attacking you with pitchforks?—Yes; and I might have killed, perhaps, three or four of them, for my pistol had two bullets in it.

Were they the pistols which you had to defend yourself and your charge upon the journey?—To defend myself upon the road from Rome from the highwaymen, for there are always some highwaymen there.

LIEUTENANT JOHN FLINN, of the Royal Navy, was then called in, and having been sworn, was examined by *Mr. Denman.*

Are you a lieutenant of the royal navy of England?—I am.

Are you now settled in Sicily?—I am.

Did you see her Royal Highness, the Princess of Wales, at Messina in the month of November, in the year 1815?—I did.

Did you take any command on board a vessel at that time?—I did.

What was that vessel?—A gun-boat.

Did her Royal Highness make any application to you, with respect to any voyage?—She did.

What was that?—To proceed with her on the voyage to Constantinople and other places.

Was a polacca hired for that purpose?—Yes.

Who had the command of that polacca?—Her Royal Highness gave me the command of her.

Did you continue in the command of her during the whole time that her Royal Highness was on board?—Most assuredly.

Who fitted up the cabins in the polacca?—I did.

Did you fit them up under the direction of her Royal Highness, or according to your own discretion?—According to the orders of her Royal Highness.

And at her expense?—Yes.

Was there any surgeon on board during the voyage?—When we got to Tunis.

Do you know whether he is now living?—I believe not; I have heard he is not.

When he was taken on board at Tunis, did it become necessary to make any alterations in the sleeping place of any other persons on board?—I did.

What was that?—Mr. Bergami's berth was changed into the dining-room.

From what previous situation?—From the after

cabin on the right hand side of the ship when looking forward.

Do you know the bed-rooms that were occupied by her Royal Highness, and also by Bergami, during the whole of the voyage?—I do; the bed-room of her Royal Highness was on the starboard side.

In any situation in which the beds of those two individuals were at any time placed, was it possible for them, from those beds, to see one another?—I say no.

Was it your duty to attend to her Royal Highness, and to see what the arrangement of her apartments was?—I have sometimes been called for by her Royal Highness, to know how the weather was.

From what place has her Royal Highness called to you?—From her cabin.

Has she called to you from any other place in the night?—Yes.

When?—When sleeping under the tent.

Under the tent upon the deck?—Yes.

What was Gargiulo's situation on board this vessel?—He was the captain of the ship.

Was he the acting captain, or the master of the vessel, and you the acting captain?—I was considered the captain of the vessel, by order of her Royal Highness, and all the necessary orders were given by me to the captain of the ship.

Did Gargiulo's situation call on him to attend about the rooms of her Royal Highness, or about her person?—No, most assuredly not.

Supposing her Royal Highness was to go downstairs for necessary purposes, was that man likely to have any knowledge of such a fact?

Mr. Solicitor-General objected to the question.

You understand the sort of occasion to which allusion is made; was there nothing in the duty of Gargiulo, on board the vessel, that should call upon him to know what her Royal Highness was doing upon that occasion?

Mr. Solicitor-General objected to the question.

The counsel were informed, that they might ask what was Gargiulo's duty on board that vessel.

What was the duty of Gargiulo on board the ship?—To attend to the duty of the ship.

His duty was to attend to the men?—Yes.

Did that duty call him to be in the part of the ship where her Royal Highness was?—Not at all times; a man could command the ship, without being in the apartments of her Royal Highness.

Was it his duty to attend upon her Royal Highness, without your having given him orders to so do?—No.

Was he in the habit of coming into her Royal Highness's room of his own accord?—He might of his own accord; he could not have gone there, without receiving some order from me.

Was that his habit or his duty, without orders from you?—It was his duty.

Do you mean to take orders from you?—Yes.

You have mentioned the tent that was sometimes raised upon the deck, how near was the steersman to that tent?—About three or four feet.

During the night and day?—Yes.

Did your duty, in the course of the night, call you sometimes to that place?—On our return from Jaffa I slept on deck.

The question refers to the place where the steersman was?—Most assuredly.

How near was the place where you slept to the tent?—Over the helm; I should think about five feet; I should say less than five feet.

From the place that the steersman occupied, was it easy to hear what passed within the tent?—Speaking generally, I conceive it would be.

Describe what you mean by speaking generally?—If the conversation was such as generally takes place between two persons, it might have been heard where I slept, and where the steerman was.

You say it might have been heard where you slept; did you, in fact, hear it?—No, I did not.

Have you heard conversation from that place passing under the tent?—No.

Was it near enough to have heard things that passed in general within that tent?—Yes.

Did the tent cover the whole of the deck, or was there a passage left?—There was a passage on one side at night.

Were you in the habit of passing along that passage in the night ?—Yes.

And others of the crew ?—Certainly.

Do you recollect the light being sometimes put from under that tent to be taken away at night ?—It was taken away for the preservation of the ship and all on board her.

How so ?—We had received information at Athens and at Milo of a great many pirates having been about the Archipelago, and it was then consistent that no light should be seen upon deck—not to give such vessels an opportunity of seeing us by night.

Do you know whether there were any pirate vessels at any time ; had you seen any ?—Yes.

Was the danger of the light being on deck represented in consequence of that to her Royal Highness ?—It was.

Was the light removed from the tent, after that representation was made ?—Yes.

Was there any communication between the interior of the tent and the cabin below ?—Yes.

What communication was it ?—A ladder that went down to the dining-room.

How was that communication kept at night, open or shut ?—It was kept open ; the tent covered the passage, but the opening itself was always clear.

Do you remember a tub in which her Royal Highness occasionally bathed ?—I do remember there was a tub.

Do you mean that you do not know, or that it was too large to be placed in the cabin ?—It was too large to be placed in the cabin.

In the course of the night has her Royal Highness ever spoken to you from the tent ?—When having occasion to manœuvre the ship during the night, I have had occasion to disturb her Royal Highness from her repose, she has then called to me.

When you answered that call, did you open that tent ? —Sometimes, when I could not distinctly hear what her Royal Highness had to say, I was obliged to open it.

Do you know where Bergami slept on board your vessel ?—On the return from Jaffa, I do not know where he slept.

Where did he sleep on the other voyage?—On going out, he slept in the dining-room.

Do you remember the position of her Royal Highness's cabin with respect to that of the Countess Oldi?—Yes.

How was it?—The cabin was divided into two divisions, that of her Royal Highness was much larger than that of the Countess Oldi.

Was there any communication between them?—There was a door and two skylights, two openings on the deck.

Was there any gun upon the deck?—Yes, there was.

Did you see her Royal Highness sitting upon that gun with any person?—No.

Did you ever see her sitting in the lap of any person on board that vessel?—No.

Did you ever see her with her arms round the neck of any person?—No.

Or kissing any person, except perhaps the child Victorine?—No:

During the whole time that you had the management of this vessel, and that her Royal Highness was on board, did you see the slightest impropriety or indecency in her behaviour towards Bergami or towards any other person?—No.

Do you remember Bergami going on land at Terracina?—Yes.

Did you see him take leave of her Royal Highness?—I did.

Describe what was done upon that occasion by him?—Kissing her Royal Highness's hand on going away from the ship, which was occasionly done by all persons on taking leave.

How long have you been in the navy?—About sixteen years.

You wear some orders?—I do.

What are they?—The Order of Merit and Fidelity of the King of Naples.

On what occasion did you receive those orders?—On the occasion of taking several privateers, when serving in the Neapolitan navy at Messina.

Have you received the Royal permission to wear those orders?—One I have.

Which is that?—The third order.

By Royal permission, I meant the permission of your own King?—Yes.

Cross-examined by *Mr. Solicitor-General.*

How long were you on the voyage from Tunis to Jaffa, as nearly as you can recollect?—I do not know the exact date; if you will allow me to look at a memoir I have made—

The question does not call for the precise time, but about what time?—I should conceive from two to three months.

How long, as nearly as you can recollect, were you upon the voyage from Jaffa to Syracuse?—Nearly a month.

Do you mean to say that you were not more than a month?—We might have been more; I cannot state exactly to a day, without appealing to memoirs.

Will you take upon yourself to say, that you were not two months?

The witness produced a paper, and was asked,

When where those made?—They were copied from my own originals.

When?—Since I have been on my voyage.

Where are the originals?—In Sicily.

Why did you not bring the originals?—I did not think they would be wanted.

Why did you make the copies?—Because I thought it consistent; I thought I might want it hereafter; I did not consider it necessary to bring the originals with me.

You made the copies because you thought they might be wanted, but you did not think the originals would be wanted; is that so?—Yes.

For what purpose were the copies to be wanted?—To remember, in case I should be asked any particular circumstance, where I had been, by my friends.

Why would not the originals communicate that?—Because it is private affairs.

Do you mean to swear those papers you have in your

hand were copies made before you came to this country the last time?—Yes.

In Sicily?—On my voyage on board the ship.

That the copies which you now hold in your hand, were made on your voyage on board the ship?—On board the ship; I went from Messina to Syracuse; I heard that persons were called to England, and I expected to be called myself, but I was not called.

You mean that the copies were made at that time?—On my voyage.

Can you tell now, without looking at those copies made by you, nearly how long you were on the voyage from Jaffa to Syracuse?—We might have been more than a month, I cannot tell particularly without looking at the paper.

According to the best of your recollection, will you take upon yourself to say, you were not two months?—From one to two months, I should conceive we were; I cannot swear exactly.

Nearer two months than one month?—I should think nearer two, when I reflect on the thing.

Will you take upon you to swear, that you were not more than two months?—No, I cannot take upon me to swear that.

The witness was directed to withdraw.

Lord Erskine objected to the mode of examination pursued by the learned counsel. If the witness were not allowed to refresh his recollection by his memoranda, it was unfair to tax his memory in the way attempted. All would probably be clear by reference to the paper in the hand of the witness.

The Lord-Chancellor asked if the witness had offered to look at the paper.

The Solicitor-General observed that the memorandum offered by the witness was merely a copy of some previous entry in the log-book, and made during a subsequent voyage. He submitted, therefore, that it could not be produced.

Lord Erskine added that, if the witness were not allowed to refresh his memory, the counsel was bound to take it with its defects, but not to tax it as he had done.

The Lord-Chancellor seemed to be of opinion that if

the memorandum were not produced, the counsel had a right to tax the memory of the witness.

The witness was again placed at the bar, and interrogated by *The Lord Chancellor.*

Where did you make those original papers that you spoke of?—The papers were made on board the vessel which I commanded.

Where, on what voyage?—Going from Messina to Catania.

Where did you make what you call the copies of those originals?—It was on board the ship.

On the same voyage?—Yes.

On your way from Messina to Catania?—I went round the island in a vessel of my own.

Did you make the original minutes when you were on board the polacca with the Princess of Wales?—The original, I did.

Did you make the copies when you were on board the polacca with the Princess of Wales?—The originals were made on board the polacca.

Where did you make the copies?—When I went round the Island of Sicily in my own vessel.

Had you the original with you at the time?—I had, on board the vessel.

Are those copies made from those originals?—Yes; there are very few lines of them; I did not copy the whole of them.

Are they faithful extracts of so much as they purport to be extracts of?—No; perhaps I do not understand the question.

You recollect your original papers?—Yes.

Are those you call copies, copies of the whole of those originals?—They are not copies of the whole transactions on board the polacca.

Are they copies of any part?—Some parts, such as the dates when we sailed from different places; that is all.

As far as you have made copies, can you say upon your oath, that they are accurate copies of parts of the originals?—Yes.

The Solicitor-General.—Have you looked at that memorandum, since you have been out of this house?—No, I have not.

Look at the memorandum, do not read it aloud, and state how long you were on the voyage from Jaffa to Syracuse?

(*The witness referred to his memorandum, and said:*)

We sailed from Jaffa on the 18th of July, and arrived at Syracuse on the 20th of August.

(*The paper was shown by the witness to The Solicitor-General, at his desire, and he was then asked:*)

During the voyage from Tunis to Jaffa, where did Bergami sleep?—From Tunis to Jaffa, in the dining-room.

Every night?—To the best of my recollection he did.

How do you know that?—Because I had frequent occasion to go to her Royal Highness in the morning to pay my respects, and I saw him in bed.

Were those the only occasions on which you saw him in bed in the dining-room?—Those are the only occasions.

Did her Royal Highness sleep below during the whole of the voyage from Tunis to Jaffa?—I believe she did.

When you went to pay your respects to her Royal Highness, where was her Royal Highness at the time?—In her own room.

In her sleeping cabin?—Yes.

A-bed?—On the sofa.

Dressed or not?—Dressed.

And Bergami, on those occasions, in bed in the dining-room?—He was in bed.

How many times may you have seen him on the average in a week?—I never particularized to haul back the screen, but sometimes when I have gone in, he has said "good morning" as I passed.

What kind of a bed was it, or bedstead?—I believe it was an iron bedstead, but I cannot recollect positively what it was.

Fixed?—No, it was not a fixture, but it was lashed to the side of the vessel.

Do you mean to swear, that from that bed the bed of her Royal Highness, when the door was open, might not be seen?—I should think not.

Then how it is only you should think not; did you

ever stand in such a position as to see to decide that? —No, I did not.

Was it your duty to attend upon her Royal Highness?—No, it was not; but when called for I frequently went there.

No other business took you into the dining-cabin in the night?—No.

Though you had the command of the ship you did not go into the cabin at night?—I did not, without being sent for.

At any time, either upon the outward or homeward voyage?—On the homeward voyage I have.

Often?—Not very often; such as going to dinner.

At night?—No.

Never?—Never, without being called for.

Who was to call you at night?—The crew on deck, when I was not on deck myself.

Who was to call you into the dining-apartment at night?—Some of the servants of the house—of the ship.

Being so called, you have gone at different times?—I have gone when I have been called for, but I never went of my own accord.

Has that happened frequently?—Not very frequently.

Has that happened several times?—I cannot specify the number of times, but I apprehend more than once.

Or twice or ten times?—It might have been as many times as that, but I cannot possibly recollect the number of times I have been sent for.

Under this tent, on the deck, there was a bed; was there also a sofa?—There was a sofa and a bed.

Whose bed?—I believe that it was Mr. Austin's bed.

Who slept in that bed?—I do not know.

Do you mean to swear, that you do not know that her Royal Highness slept in that bed?—Her Royal slept on a sofa, not on a bed.

Near that bed?—Not very near.

How far off?—As far as I am from that seat there.

Three or four yards?—I should say three yards.

Do you mean to swear there was an interval of any thing like three yards between the bed and the sofa?—Between the extremities of both, there was a great deal more.

Was there more than a yard between the nearest point of both ?—Yes, most assuredly there was.

How much ?—There must have been more than two yards.

Where did her Royal Highness sleep, on the sofa ?—Yes.

How do you know that ?—Because I had occasion to see her one night, when I went in there.

Is that the only reason you have to know that ?—That is the only reason ; I can testify having seen her Royal Highness on that bed, and I conceive she always slept there.

Who slept on the bed ?—I do not know.

For what purpose was it placed there ?—It was placed there for persons to sit there, during the day.

Do you mean to swear, that it was placed there for people to sit on during the day ?—That was the occasion I saw it used for during the day-time.

You mean to swear, you believe it was placed there for that purpose ?—I can state no other purpose ; I do not know that any person slept in it ; I never saw any person in bed there.

Did you ever see Bergami in bed there ?—I have never seen him in bed ; I have seen him sit on it in the day-time.

Have you never seen him lie upon it in the day-time ? —No.

Do you mean to swear you have never seen him lie upon it in the day-time ?—I do.

Had you never the curiosity to inquire where Bergami slept the whole of the voyage from Jaffa to Syracuse ?—No, I had other duties to attend to, navigating the ship to carry her Royal Highness about to the different places to which she went, and I did not attend to that.

Have you any doubt that during that voyage, and the whole of it, Bergami slept upon that bed under the tent ?—I cannot say where he slept ; I never went to look after Mr. Bergami ; when he was wanted, or where he slept, it is impossible for me to say ; I can only repeat that I never saw him in bed.

Have you any doubt that he slept on that bed every

night on the voyage from Jaffa to Syracuse?—I cannot say.

Have you any doubt upon the subject?—I must certainly doubt, whether he did sleep there every night, or whether he did sleep there at all I cannot say, for I never saw him there, nor do I know where he slept.

Do you mean to say, you entertain doubts whether he did sleep there, and believe that he did not sleep there?—When I never saw him there, I have every reason to doubt that he did not sleep there.

Do you mean by that to say that you believe he did not sleep there?—I believe he did not sleep there.

Where did he sleep?—I do not know; I never went to look where he slept.

Did you ever see him sleep in the cabin on the voyage from Jaffa to Syracuse?—I never went into the cabin in the day time to see whether he was there or not.

Did you ever, either by night or in the morning, see him, during any part of that voyage, sleeping in the cabin in his former place?—I do not recollect having seen him there.

Do you mean now to repeat, that you believe he did not sleep under the tent?—I must again repeat that I do not know where he slept.

Not knowing where he did sleep, you mean to have it believed that you do not believe he slept under the tent?—I believe he did not sleep under the tent.

What is your reason for believing that he did not sleep under the tent?—Because when I went to see her Royal Highness one night, I did not see any one there.

Was it light or dark?—It was dark.

Of what country are you a native?—I was born an Englishman, part of an Irishman.

It being dark, and not seeing him when it was dark, is that the only reason for your belief that he did not sleep under the tent?—The light of the binnacle was quite sufficient to give me an opportunity of seeing whether he was there or not; it was dark at night, but there was the light from the binnacle that reflected into the place when I opened it.

Attend to the oath you have taken; upon the night

when her Royal Highness called you, and when you say there was a light from the binnacle, will you take upon yourself to swear that Bergami was not on that bed?—I do swear to it.

Was that the only occasion that you saw that bed when Bergami was not there?—I have gone there frequently, and seen the bed in the same position, and I never saw him there.

Have you gone there frequently?—I have gone there when called for.

And you never saw him there?—I never did.

Do you mean to swear, that if he had been there, you must have seen him?—Yes, if he had been on the bed I must have seen him.

Do you remember the night of a storm off Candia?—Yes, I do.

Did her Royal Highness go below?—She did.

Where did she sleep?—She slept on the deck. I did not follow her Royal Highness to see where she slept; but I believe she slept in the cabin belonging to Mr. Hownam.

Do you not know that she slept on the deck below, by the side of that cabin of Mr. Hownam?—She might have slept there at first, and afterwards retired to the cabin of Mr. Hownam; but the occupation of the ship required me to stop on deck.

Did you not see her Royal Highness below on the deck?—I believe at day-light in the morning I saw her Royal Highness in Mr. Hownam's cabin.

Did you not go below during the night, and see her below during the night?—I do not recollect to have done it; it does not strike me that I did; it blew very hard indeed, and required me on deck.

Do you know where Bergami slept on that night?—I do not.

Where did you see Bergami in the morning?—The first I saw was on his coming on deck; I saw him coming up the ladder.

You mean to swear you never saw him during the night lying on the deck below?—No, I did not.

Had you the whole command of the vessel?—Speaking of having the command, I had those orders which

her Royal Highness chose to give me at different times, and under those I acted; the ship was hired by her Royal Highness.

During the whole of that month you mean to swear you never saw Bergami in bed anywhere?—I never saw him in bed anywhere; I have seen him sitting on that bed on the deck, but never saw him lying down.

At the helm you could not hear a conversation that passed within, unless it was in a certain tone of voice? —Speaking as you are now speaking, I might have heard it; I could have heard it.

When her Royal Highness called, you did not hear, and were obliged to lift up the tent?—Yes, when blowing hard on board the ship, the working of every material on board prevents persons hearing, and I could not distinctly hear what her Royal Highness said, but I naturally concluded, from having been called on former occasions, that it was to inquire respecting the weather.

OCTOBER 10.

LIEUTENANT JOHN FLINN, of the Royal Navy, was again called in, and further cross-examined by *The Solicitor-General.*

At what time did you arrive at Athens?—(The witness referred to his paper.) On the 8th of May I believe.

Did you touch either at Athens or at Milo, on the homeward voyage?—No.

You mentioned yesterday, memorandums, or a copy of memorandums, which you made on the coast of Sicily? —Yes.

When was that made, how long ago?—About three months ago; between three and four months ago.

How long previously to that time was it, that you had been in England?—I had been in England in 1817.

You had not been in England from 1817 down to that period?—No.

Was the memorandum made on shore, or on board the vessel?—On board the vessel.

Had you been on shore a short time before that?—In Sicily; I sailed from Messina to La Carta first, and from thence to Catania, and from Catania to Messina.

Were you on board an Italian vessel?—I do not remember that I was on board an Italian vessel.

At the time you are speaking of, when that memorandum was made?—No, I was not.

Of what country?—An English vessel.

What was the name of that vessel?—The Lion.

Will you allow me to look at the memorandum you hold in your hand?—Yes. (The paper was handed to *The Solicitor-General.*)

You have stated that you had the command of this polacca; who was it that navigated the vessel?—I did.

Who was it that gave orders to the sailors?—Generally it was the captain, but those orders came from me.

Did you do more than merely direct the captain as to the place he was to go to?—I did not particularly direct him to go to any place; I only gave him orders to execute, those duties belonging to the ship.

Did he not execute those duties as the captain of a vessel ordinarily does, by giving directions to his crew?—I conceive he did.

Then in navigating the vessel, had he not the whole care and management of the ship?—He had not the whole management of the ship, because the management was given to my charge by her Royal Highness.

Do you mean to say you gave orders to the seamen about the navigation of the vessel?—The management of the ship and the manœuvering of the ship were different.

Do you mean to say you gave any orders to the crew for the navigation of the vessel?

Mr. Denman interposed, and, after the witness had withdrawn, observed, that *The Solicitor-General* had no right to assume that the witness had said he gave orders. When a witness was asked whether he meant to say so and so, it was intended to be insinuated that he had said something like it, whereas the witness had said that the captain generally gave the orders.

Mr. Gurney, the shorthand-writer, read over the notes of the evidence; and after some discussion took place between the counsel, and a few observations from Lord Rosslyn, which we did not hear,

The Lord-Chancellor said, that it struck him the witness put a different construction on the terms navigating, management, and manœuvering the ship; and he conceived that the questions the witness had been asked, had been put for the purpose of ascertaining what he meant by the words "navigating the ship."

The witness was then called in, and cross-examination resumed.

The Solicitor-General.—What do you mean by saying that you navigated the ship?—By navigating the ship, such as directing the courses to steer by, and giving orders to the crew occasionally.

Then you did occasionally give orders to the crew as to navigating the vessel?—The navigating of the vessel includes manœuvering the ship and sails; those things as well as the navigation also.

Did you give directions as to the manœuvering the ship?—Sometimes I did, sometimes I did not.

Was not that generally done by Gargiulo the captain?—Sometimes he was not on deck, and I had occasion to do it myself.

Then was it only when he was not upon deck, and you had occasion to do it on that account, that you gave those directions?—Sometimes I have done it also when he has been upon deck.

Was it not generally done by Gargiulo?—As to the working of the ship, I think he generally did it more than I did myself.

Do you usually write in Italian or in English?—In Italian sometimes.

Do you usually write in Italian or in English?—In both.

You must perceive that is not an answer to the questions; do you usually write in the one or the other language?—I write in English generally.

Was the account, which you kept of the proceedings of the vessel, in Italian or in English?—In Italian.

Was that account written by yourself?—The account was written by the clerk.

The question refers to that account referred to by you yesterday, and from which you made your extracts?—It was written by the clerk.

Was that clerk an Italian or an Englishman?—I do not know what he was.

Was he your servant?—No.

How long were you on board the vessel with him?—In the voyage we were several months on board.

With that clerk?—Yes, there was a clerk; the copy you allude to now, the journal, was kept by myself in Italian.

The question refers to the journal from which you took that memorandum, whether that was kept in English or in Italian?—It was kept in Italian, the log-book.

Was it from the log-book you took those memorandums, those copies?—Yes.

By whom was the log-book kept?—By myself; it was a private memorandum of myself.

Do you mean that the log-book was a private memorandum of yourself?—Yes, it was a private memorandum of myself; I considered the log for my own private purpose.

Being for your own private purpose, was it kept by yourself or by a clerk?—It was kept and directed by myself, some writings of my own, and some writings of a clerk in it.

Was that the clerk to whom you alluded just now?—Yes.

Was he on board the polacca?—Yes, he was.

The whole voyage?—Yes, the whole voyage.

You were asked whether he was an Italian or an Englishman?—An Italian.

Did you not state just now that you did not know what countryman he was?—I believed him to be an Italian or a Sicilian; I did not know what he was; he was on board the ship.

Did you not, in answer to the question put to you, whether he was an Englishman or an Italian, tell me you did not know what countryman he was?

Mr. Denman.—That question was not put. (Order! order!)

The Solicitor-General.—It was.

Mr. Denman.—If I am called to order by the House, I must address myself to your lordships.

Mr. Gurney then read the following question and answer to the witness:—

"Was that clerk an Italian or an Englishman.—I do not know what he was."

Did you not tell me just now, when I asked you, whether he was an Italian or an Englishman, that you did not know what he was?—I do not know what he was, but I believe he was an Italian or a Sicilian.

You say he wrote only a part; was the part which you wrote written in Italian or in English?—That part which I wrote was in English.

Did you not tell me just now that the log, or whatever it was, was written in Italian?—In Italian.

Did you not tell me that the log was written in Italian?—Yes.

Now you mean to say it was partly written in Italian and partly in English?—Part of both, to my recollection.

The witness here became overpowered by the heat of the house, and fainted.

The witness being recovered by the fresh air, when removed out of the House, was brought back.

Mr. Denman said, that before the cross-examination was resumed, the witness begged that the previous evidence might be read over to him.

Mr. Gurney accordingly read from where the witness said he wrote both in Italian and English.

The witness said,

The clerk I referred to was a sailor whose name was Pasquali; he was a servant of mine.

Having told us in a former part of your examination, that Pasquali was not a servant of yours, and now having told us he was a servant of yours, which of these two stories do you mean to adhere to?—I mean to adhere that he acted as both.

Do you mean to say that he acted as both; that he was your servant, and that he was not your servant?—

His being a servant was only for the purpose of taking my cot up and down, and making my bed, and those private affairs, such as writing for me, were done for me, such as the duty of a servant; he was not kept as a clerk, but he was kept more as a sailor on board the ship.

Then he acted as your servant?—He acted as a sailor and as a servant on board the ship; he was one of the crew.

You having kept a part of this log yourself, and Pasquali having kept the remainder, which of the two kept the larger proportion?—It is impossible I can determine at this moment; I have not the thing before my eyes, nor can I say which kept the most, but I should think I kept the most of it myself; I may be mistaken as to such a circumstance; I have not the thing before me, and I cannot say.

Then the most of it, if kept by you, was kept in English?—There was some in English and some in Italian, written by myself.

Then if you stated just now, that the part which was kept by you was kept in English, you told us that which was untrue?

Mr. Denman said he could not suffer his learned friend to cast such an aspersion on the witness; it was unjust.

The Solicitor-General replied, that, as the question was objected to, he should not press it in that form; he would therefore withdraw the former question, and ask,

Did you not tell us just now, that the part kept by you was kept in English?—If I told you so; it was at a moment when I felt myself so situate that I did not know what I said.

Then the part that was kept by you, do you mean now to say, was kept sometimes in English, and sometimes in Italian?—Yes.

Was the greater proportion, according to the best of your recollection, in English, or in Italian?—I should involve myself very much to say which it was; I cannot recollect.

Was there a considerable proportion of it in English?

—By saying that there was a considerable proportion, I shall conceive the greater part was written by me in English, but I do not recollect; I should think, as much the one as the other.

Do you mean the greater proportion in English, or about the same?—About the same.

Look at that paper (the paper produced by the witness), and tell me whether it does not commence with the departure from Messina?—It does not commence with that; it is in December.

Where does it commence from?—From the 6th of December, which was the day her Royal Highness arrived at Messina.

When did she set out from Messina?—On the 6th of January.

The Solicitor-General was then about to read the paper, when

Mr. Denman objected to its remaining in his learned friend's hands.

The witness was ordered to withdraw.

Mr. Brougham, in support of the objection, said, that the common use of a memorandum in a court of justice was, for a witness, by referring to it, to refresh his recollection from the contents. But his learned friend (the Solicitor-General), instead of suffering the witness to do that which it was the proper and ordinary course to let him do, kept the document himself, and proceeded, *seriatim*, to put questions to the witness from the contents of that paper. Such a course was most assuredly irregular, and in direct contravention of the rule laid down by their lordships on a former occasion, where a paper was produced.

The Solicitor-General denied that this was in any degree a similar case to that in which their lordships had laid down the rule referred to by his learned friend. He also denied that he was questioning the witness, in the manner objected to, out of this document. He certainly looked into it, as he believed he was entitled to do, while the witness perused it in his hand. He had certainly a strict right to make use of it in this way.

Mr. Brougham said, certainly not, after their lordships had laid down a contrary rule on a former occa-

sion, and decided that a different manner should be observed.

The Solicitor-General said, that his learned friend was evidently blending together two different and distinct things. He was confounding the form of putting a paper as evidence, and merely using it to refresh a witness's memory.

The Lord-Chancellor said, that it was a very different thing to say that a paper should be put in as evidence, and that it should only be referred to for the purpose of refreshing a witness's memory. He thought it perfectly clear and incontrovertible, that while a witness referred to a paper to refresh his memory, it was quite competent for the counsel who was conducting the examination also to look over the paper used by the witness.

Mr. Denman said, that his objection was not to his learned friend's glancing over the paper as the witness referred to it, but taking it altogether out of his hand, and using it for quite a different purpose, than refreshing the witness's memory, the only thing for which it was produced.

The Solicitor-General said, the only reason he had for taking the paper out of the witness's hand was because Mr. Gurney (the shorthand-writer) was situated between him and the witness, and therefore he could not read it at such a distance. If the witness came next to him, then there would be no occasion to take the paper out of his hands.

The Lord Chancellor begged to restate the general rule of evidence which he had before read, and which was to be found in Philips's Book of Evidence. It was a general rule that a memorandum, to be efficacious according to the rules of evidence, must be shown to have been taken, at the time of the occurrence of the fact to which it alludes, by the person who is speaking of it; or else by some other person, under his examination and inspection, so as to check any incorrectness.

The witness was again brought to the bar, and his cross-examination renewed by the *Solicitor-General.*

Produce the paper again.

(As the witness withdrew from the bar on the last occasion, he carried the paper away with him.)

Mr. Denman.—I advise the witness not to give it to my learned friend.

The Lord-Chancellor.—Mr. Denman, the paper to which the witness is referring must be so placed, as that it will be in the eye of the counsel and the witness at the same time: that I take to be the rule.

Mr. Denman.—To that, my lord, I can have no objection: but it is a very different thing for my learned friend to take it out of the hands of the witness, who has it for the purpose of reference.

The witness then placed the paper on the bar before him, so as that the Solicitor-General could refer to it.

The cross-examination was then pursued.

What is the first entry?—December.

What is the place?—Messina.

In what language?—Italian.

What is the next?—The 16th.

Where?—At St. Giovanni in Calabria.

In English or Italian?—In Italian.

The third?—The 17th.

Where at?—Scilla.

In English or Italian?—Italian.

The fourth?—The 6th of January.

Where?—At Messina.

In English or Italian?—In Italian.

The next entry?—Going on board the Clorinde.

In English or Italian?—Italian.

The next?—At Syracuse.

In English or Italian?—Italian.

The next?—The 29th of January.

Where?—At Syracuse, for Catania.

English or Italian?—Italian.

The next?—The 5th of March.

Where?—Catania.

In English or Italian?—Italian.

The next?—The next after was, we shipped on board the polacca at Augusta, the 30th of March.

In English or Italian?—Italian.

The next?—The 10th of April, at Utica.

In English or Italian?—Italian.

The next?—The 12th of April, Alla Manuba.

In English or Italian?—Italian.

The next?—The 17th at Zavoan, the 19th at Uldina, the 22d went on board the polacca.

Look at that paper, and state, whether there is a single entry of all the places traced in that paper in the English language?—No, there is not.

Does it come down to the return to Messina?—It does.

And every entry from the beginning to the end is in Italian?—Yes, in this it is.

Look at that paper, and tell me, whether you will swear it is your handwriting?—No, I cannot swear it is my handwriting.

Were you on board the Clorinde?—Yes.

Whose handwriting is that paper?—It is the clerk's.

The clerk's?—Yes.

Pasquali?—Yes, I believe so.

Was not Pasquali a confectioner in the service of her Royal Highness?—No, not the Pasquali I mean.

Was he not one of the crew of the polacca?—He was not one of the sailors of the ship, the Pasquali you allude to; there was a Pasquali in the service of her Royal Highness, but not the Pasquali who wrote this.

Was not the Pasquali, that acted as your servant, one of the crew of the polacca?—Yes.

Do you mean to swear that that Pasquali was on board the British ship the Lion, three months ago?—Yes, he was; he went down with me from Messina to La Carta, as being the pilot of the coast, and from La Carta to Catania, where he was discharged.

What became of him in the interval, between the termination of the long voyage, and the time you are mentioning?—I do not know.

What became of the polacca in the interval?—The polacca, she went to Naples; I do not know exactly; I left her at Genoa.

With her crew on board?—Not with the whole of the crew.

Pasquali was left behind?—Pasquali went with me to Messina, he and another sailor who had been with me six years in the flotilla.

Pasquali it was who made this memorandum for you on board the vessel three months ago?—By my directions.

Did you not tell us yesterday, that it was in your own handwriting?—I do not remember that I did; it was a thing that escaped my memory; I did not reflect at the moment.

When you were asked that question, was not the paper before you?—It was not in my hand at the moment when I answered, and I did not reflect at the moment, whether it was in my own handwriting or not.

Now, however, you say it was not in your handwriting, but in Pasquali's?—Yes, by my directions.

Will you swear that it is not in the handwriting of Schiavini?—This is Schiavini's handwriting.

Re-examined by *Mr. Denman.*

How long have you lived in Sicily?—Eight or nine years.

Are you in the habit of speaking there the Italian or English language?—The Italian.

At the time, when you went the voyage with her Royal Highness the Princess of Wales, were you then as familiar with the Italian as you are now?—Yes, perfectly, and more so.

The clerk you mentioned, you say you do not know what he was; do you know of what country he was a native?—I believe he was of some part of Italy, but I do not know.

Did he speak Italian?—Yes.

Did Pasquali make a copy from your log-book?—Yes.

Are you a lieutenant on half-pay in the English navy?—I am.

Have you been examined at any time before you came to England; have any questions been put to you respecting the conduct of her Royal Highness on board of that polacca?—No.

If you had received notice of its being necessary, could you have brought that log-book here?— I should suppose I could.

Who was it made the copy from the log-book?—Pasquali.

You stated just now that the paper in your hand was written by Schiavini ?—Yes.

When did he write it ?—A few days back.

What did he write it from ?—By dictating from the paper I had in my hand, written by Pasquali.

Carry back your recollection to the outward voyage from Tunis to Jaffa ; you have stated that on that voyage her Royal Highness slept in the cabin, and that when you went to that cabin in the morning, when you were sent for to her Royal Highness, you passed Bergami in his bed ; you state that on the voyage from Jaffa to Syracuse her Royal Highness slept in the tent ; when you were called to wait upon her Royal Highness in that tent, had you any occasion to pass through the room where Bergami had slept before ?—After her Royal Highness had got up, I went up the ladder.

What sort of a tent was it, a double or a single tent ? —A single tent.

Did you recollect the breadth of the beam of the vessel ?—I should suppose from nineteen to twenty feet.

Counsel then said they had no further questions to ask the witness.

The Solicitor-General then begged, that before the witness was ordered to withdraw, he should be ordered to deposit the paper he had with the clerk of the House.

Mr. Denman objected to this application, and said that he was entitled to see the paper before anything was done with it: he had no copy of it, nor did he ever see it until now.

The Attorney-General said the paper ought to be deposited whether his learned friend saw it or not.

Mr. Denman hoped no insinuation was intended that he had seen this paper before this day at the bar. If such were attempted, he must repel it in the manner it deserved. (Cries of " Order " from the House.)

Mr. Brougham hoped that, if their lordships suffered these insinuations to be flung out at one side, they would in justice allow them to be repelled on the other.

The Lord-Chancellor reminded their lordships that the question immediately before them was, as respected the legal reception of the evidence pointed to in the question just put.

Mr. Denman said, that he had never proposed, that the document in question should be produced in part of evidence as to the affirmative of the question propounded to the witness; and he was therefore in some surprise at the course pursued on the other side.

The witness was directed to withdraw.

Mr. Brougham requested permission to put to the witness a question which had been accidentally omitted on his former examination; and he would state to their lordships the reason which led him to ask this indulgence. In consequence of the interruption occasioned by the discussion which had taken place on a preceding question, his learned friend (Dr. Lushington), who was examining the witness, had accidentally turned over the page of his brief at the bottom of which this question stood. The question would be found not only in his learned friend's brief, but in all the other five briefs; and he and his learned friends were ready to pledge their honor to the House, that it was not a new point which had been suggested since the former examination of the witness. All he wished to ask the witness was, whether or not he knew, of his own knowledge, that, before the Princess of Wales arrived at Naples, William Austin slept in a separate apartment from that of her Royal Highness, the witness having made William Austin's bed?

Dr. Lushington begged to state to their lordships how this omission had occurred. At the conclusion of the questions, in his brief, stood this one; and preceding it was the business about Majocchi and Ompteda, which, their lordships would recollect, had given rise to a great deal of discussion. He had not forgotten, in consequence of that discussion, that another question remained to be put; but, at the moment when he was about to refer to it, a different question was handed to him on a slip of paper, and that put the other out of his mind.

The Lord-Chancellor said it was customary to allow a counsel to put a question in such case, when he stated his readiness to pledge his word of honor, that he had intended to put it on the examination-in-chief.

Dr. Lushington added, on his word of honor, that

the question was accidentally omitted by him when the witness was formerly examined.

The witness was then recalled, and examined by *Dr. Lushington*, through the *Lord-Chancellor*.

Upon the journey to Naples did you ever make any beds?—I have assisted in making them.

Have you ever made the bed of William Austin?—I have assisted in making the bed of William Austin.

Was that bed made in her Royal Highness's bedroom, or in another?—Sometimes it was, sometimes it was not; where there was room enough, it was not; where there was not, it was.

The following question was put at the request of the *Attorney-General*.

Can you undertake to say, you made William Austin's bed out of the room of her Royal Highness the Princess more than once, or only once, in the journey to Naples?—I made it more than once or twice; I do not recollect how many times.

Do you recollect the places where you so made the bed?—I think the first time I made it was at Domodosola, but I am not certain.

Where besides?—I do not recollect exactly the places' names; it was on our way through Italy.

The Earl of Lauderdale.—When you made William Austin's bed, was it a single bed in the room, or was there another bed in that room?—There was generally beds belonging to the house in that room; but this was one bed, his travelling bed.

There was another bed belonging to the house in that room?—Yes.

Was that made up at that time?—No, I do not think it was.

In that room you only made up William Austin's travelling bed, and the bed in the room was left unmade that night?—It was left there; I do not know whether it was made or not; I never saw it made any use of.

The witness was directed to withdraw.

And LIEUTENANT JOSEPH HOWNAM, of the Royal Navy, was called in, and having been sworn, was examined by *Mr. Tindal.*

Are you a lieutenant in his Majesty's Royal Navy? —I am.

How long have you been a lieutenant?—Since the early part of the year 1809.

Where do you live at present, where are you settled? —At Rouen, in France.

Are you married and settled there with your family? I am.

Did you at any time join the party of her Royal Highness the Princess of Wales?—I did.

When was it you so joined her?—In the month of April, 1815.

Where was her Royal Highness at that time?—At Genoa.

How long did she remain at Genoa after you had joined her?—About six weeks.

Do you remember at any time, while you were at Genoa, any disturbance happening in the course of any night?—I do.

What was the nature of that disturbance?—It was supposed that the house was broken into.

Was there any general alarm made in the night-time? —There was.

Did you get up in consequence?—I did.

Where did you go to?—I went into the great hall.

Who was the first person you saw upon that occasion? —The first person I saw was Bergami, who came into my room.

Did he give you the alarm?—He did.

Had he anything in his hand at the time?—He had a candle, and I think, a sword.

Did you after the alarm so given, go down?—I was on the ground-floor; my door opened into the hall.

You went into the hall?—Yes.

Whom did you find assembled in the hall when you got there?—I found the Princess and many of the servants.

During the time you were at Genoa, did you ever breakfast with her Royal Highness?—Never.

Have you ever seen her at breakfast?—I have.

At the time you saw her at breakfast, was Bergami breakfasting with her?—He was not.

Did you ever know him breakfast with her at Genoa?—Never.

Where you in the habit of dining with her Royal Highness whilst at Genoa?—Every day.

Did Bergami dine at her Royal Highness's table any day whilst at Genoa?—Never.

Do you recollect at this moment at what place it was that Bergami first began to dine at the table of her Royal Highness?—I do not recollect the name of the town, but it was in a journey over the St. Gothard.

Do you recollect the date of that journey?—It was in the month of August.

Do you mean the month of August in the same year?—1815.

You say, the first time of the dining was on the journey, did Bergami continue to dine regularly from that time, or did he begin to dine regularly at a subsequent time?—He did not dine regularly after that; he began some time after that.

What was the place of residence of her Royal Highness at the time he so began?—The Villa d'Este.

Do you recollect to what place her Royal Highness went after she left Genoa?—To Milan.

Do you remember when her Royal Highness resided in a house called the Casa Boromeo?—I do.

Do you remember a staircase in that house, upon the landing-place of which her Royal Highness's door of her sleeping apartment opened?—I do.

Was that staircase a secret staircase, or did it lead up to other apartments?—It was not a secret staircase; it led up to my apartment.

Do you mean the apartment in which you slept?—I do.

Were there any other persons who went up that staircase to their sleeping-apartments?—There was a door that went to the chambers of the servants, of the lower servants.

Do you know whether that staircase was ever used by those servants in going to their sleeping-apartments?—I do not recollect having seen them going up it.

Was it a staircase you were in the habit of using when you went to yours?—It was.

Where did you go to, after you left Milan?—To Venice.

Upon a little tour?—Yes.

About what time was it, when her Royal Highness took up her residence at the Villa d'Este?—I think about the latter end of September.

Do you recollect the position of her Royal Highness's room, and of Bergami's room, at the Villa d'Este?—I recollect where her Royal Highness slept; I cannot say where Bergami slept at that time.

Were there any stairs near the door of her Royal Highness's sleeping-apartment?—There was a flight of stairs.

Was there a door at the top of those stairs?—I cannot say.

Do you recollect, upon the long voyage, being at Tunis?—I do.

Did you accompany her Royal Highness during the whole of the long voyage?—I did.

Do you recollect where Bergami slept at Tunis?—I recollect his pointing me out his room.

Did you see him in his room?—He pointed out the room himself.

Did you see him in the room, using it as his own, at the time?—Yes.

Was that room, in which you so saw him, near the room of her Royal Highness?—No, it was not.

Describe, if you please, the different situations of the two rooms?—Bergami's room was the only room up a flight of stairs that any person in the house occupied; I believe I never saw anybody else's room there.

Whereabout was her Royal Highness's room?—There were several rooms between the flight of stairs and her Royal Highness's room; that is to say, there were three or four rooms to pass.

Was Bergami's room on the same story with that of her Royal Highness?—No, it was not; it was upstairs.

Was her Royal Highness's room on the ground-floor?—We did not occupy the ground-floor.

On which floor was her Royal Highness's room?—On the same floor as all the household.

Do you remember, whilst at Tunis, taking a short journey to Utica?—I do.

Did you sleep at Utica?—We did not.

Where did the parties sleep on the night of the day, when the visit was made to Utica?—At the palace of the younger prince; the house is called Sabella.

Were you on board the polacca during the voyage?—I was.

Be so good as to describe, whether there was any separation between that part of the vessel, which was occupied by the captain and the crew, and that part, which belonged to her Royal Highness and her suite?—It was quite distinct; it was separated by a bulkhead.

Had the captain of that vessel any duty to perform, which carried him into the part of the vessel occupied by her Royal Highness?—None whatever.

Do you know in what part of the vessel the water-closet appropriated to the use of the women was?—I think there were two, one in the cabin of the Princess, and the other in the cabin of the Countess Oldi.

Had the captain any duty to perform that would take him into the part of the vessel where those were?—None whatever, as I imagine.

Did you ever see the captain, during the time you were on board, in that part of the vessel?—Never.

Do you recollect landing at or near to Ephesus?—I do.

What was the name of the place, where her Royal Highness and her suite slept on the night of your landing?—We slept on the plains of Ephesus.

In what manner, what erections were made, or what convenience was there to enable the party to sleep there?—Under the shed of a Caffa Turk: a miserable house.

Did her Royal Highness sleep under this shed?—She did.

How was the shed constructed?—Whether it was by planks, or by boughs, I am not quite certain.

Was it enclosed on each side, or open in any way?—Open.

Where did the suite of her Royal Highness sleep?—All round her.

Did you sleep near her Royal Highness, amongst the rest of the suite?—I did.

Do you remember where her Royal Highness dined on that day?—On the day of her arrival?

Either that or the next day?—It was in the churchyard next the coffee-house, where we had slept the night before.

What did she dine under, what was there above her?—The portico of an old mosque.

Did she dine alone upon that occasion?—I am convinced we all dined together.

Do you mean, that you recollect you then dined together?—I recollect most perfectly.

How did you contrive to sit upon that occasion?—We sat on the ground, her Royal Highness sat on her travelling bed.

Did anybody sit with her on that travelling bed?—I do not remember.

Are you sure that the rest of the suite, or a part of the rest of the suite of her Royal Highness, were there during the time of dinner?—I am confident as to having dined myself, and everybody else.

Do you recollect where the Countess Oldi sat upon that occasion?—I cannot recollect the spot where she sat; I am convinced we all dined together.

Where did you afterwards re-embark?—At Scala Nuova.

To what place did you sail?—To St. Jean d'Acre.

Were you either after that or before it at Constantinople?—Before that.

How long did you remain at Constantinople?—I should think about twelve or fourteen days, or more.

In whose house did her Royal Highness reside during that time?—In the palace of the British minister; we were not all the time at Constantinople.

As long as her Royal Highness was there?—In the palace of the British minister, we were only about five or six days.

What was the name of the British minister?—Mr. Frere.

Do you know whether he is alive?—I have never heard of his death.

Did you afterwards, in the course of the voyage, land at St. Jean d'Acre?—We did.

In what manner did her Royal Highness travel from St. Jean d'Acre to Jerusalem?—Upon an ass.

Is that the usual way of travelling in that part of the world?—On asses or mules, or in a palanquin.

How did you travel yourself?—On a horse.

Was the course of your travelling to proceed by night, and to lie by by day?—It was.

In what manner did her Royal Highness rest during the day?—Under a tent.

Did you observe, whether her Royal Highness before she lay-by by day, appeared fatigued or not?—Excessively so.

Did that appear the case during the whole of the journey from St. Jean d'Acre to Jerusalem?—Yes.

Did you make any particular observation, as to the nature of this fatigue?—I have seen the Princess fall from the ass more than once.

Do you mean about the latter part of the night?—Towards the morning.

Do you remember whether, on your voyage to St. Jean d'Acre there was any tent on deck?—Yes, there was.

On the outward voyage was this tent constantly erected on deck, or was it occasionally there?—It was occasionally there from the sun or from the wind, while the Princess sat upon deck; in fact it was the awning of the ship.

You re-embarked at Jaffa at your return?—We did.

Was the weather at that time hot, or otherwise?—Excessively hot; it was the month of July.

Had you any cattle on board the vessel of any kind?—We had.

What did they consist of?—Horses and asses.

Had you more on board on your return than you had on your voyage out?—We had none in going out.

In what part of the vessel were those animals kept?—In the hold.

Did they make any noise in the course of the night or the day?—The general noise of horses and such animals.

Was there any smell occasioned by the animals being put in the hold?—Yes there was, certainly.

Where did her Royal Highness sleep on the voyage from Jaffa homewards?—Under the tent, on deck.

By whose direction was the tent put up?—By direction of the Princess.

Did it remain permanently on the deck from the time of your quitting Jaffa to the end of the voyage?—It did.

Do you recollect, at any time, any complaint made by her Royal Highness as to the rate of the vessel's sailing?—Yes, I do.

What was the complaint?—It was on the return from the Island of Rhodes to Syracuse; the voyage became excessively tedious, and the Princess, naturally anxious to get on shore, attributed it to the want of sailing of the vessel; I stated that she could not be supposed to sail so well with a tent on deck; her Royal Highness said, as to the tent, I do not care at all about it; I would as soon sleep without it.

What was the occasion of her Royal Highness sleeping under the tent during the return voyage?—In consequence of the excessive heat, and the animals on board.

Do you remember any circumstance relating to a light being kept under the tent?—I do.

What was it?—The Princess, in the previous part of her journey, used to sit on deck to a late hour, and with this light; on leaving Jaffa, from reports that were in circulation of some Tunisian vessels roving the Archipelagan seas, it was by a statement by me to the Princess, that that light should not be kept on deck all night, as it would serve as a mark to any vessel that might be cruising in those seas.

Had you, in point of fact, seen any Tunisian vessels yourself?—Yes, we had seen one at Scio, and another at St. Jean d'Acre.

Do you know of your own knowledge, whether they had plundered any vessel?—I could not know, but from report.

Did you, in the situation you held, think it a matter of duty to give that advice to her Royal Highness?—I did.

In consequence of that advice, was the light put out earlier than before?—Much earlier.

What was the general time of the evening at which

the light was put out?—It might be from nine till ten o'clock, or later.

How many sofas were there on board the polacca?—Four.

Do you know in what part of the ship those sofas were placed?—There were two lashed together in the Princess's cabin, and two in the Countess's cabin.

Was there afterwards any alteration made in their situation?—The countess sent one out of her cabin.

Where was it sent to?—It was occasionally on deck of the first part of the voyage, and also after Jaffa.

Do you mean that the sofa was beneath the tent?—The Princess slept on it.

What was there, besides the sofa you have mentioned, underneath this tent?—An English travelling bed.

Do you know, whether there was any communication open between the tent and the part of the vessel below?—There was a ladder that went down into the dining-room.

OCTOBER 11.

Counsel being called in,

LIEUTENANT JOSEPH ROBERT HOWNAM was again called in, and further examined by *Mr. Tindal.*

You were asked yesterday about the communication between the tent and the part of the vessel below the deck, was that communication open by night as well as by day?—The ladder stood constantly there.

Have you had any opportunity of knowing, by going there by night, whether it was open or not?—I have.

State upon what occasions that happened?—I have in an evening, not knowing that her Royal Highness had retired, run up that ladder to go on deck, and did not find the tent was closed till I got up.

Was the light out upon that occasion?—I imagine it was; I do not recollect to a certainty.

Was the tent of which we are speaking a single tent or a double tent?—It was the awning of the ship.

Does that imply that it was single?—It was single with the exception of another piece, put round it to make it complete probably, but the pieces having been put I do not recollect.

The question is, whether there was one tent or whether there were two, one exterior of the other?—One only.

Have you any means of knowing, whether the opening by which the tent was accessible on the outside was closed or not, so that it could be opened or not by a person on the outside?—On board the vessel, I imagine that it could be opened from the outside, certainly.

What was the nature of the opening? describe it, if you please.—As all tents are closed; the two parts of the canvass brought together; not sewed or anything of that sort.

Then is the mode by which a person on the outside who wanted to go in, would do so, simply that of drawing back a part of the tent?—I should think so.

How near was that tent placed to the steersman?—It came close aft to the mizzen-mast.

Can you state, not precisely, but within about what distance that would come of the steersman?—I suppose four, or five, or six feet.

Were there any part of the crew who were up during the night?—The watch; one half the vessel's crew kept watch by night.

Was there a passage by the side of this tent from the aftpart of the ship to the forepart of the ship?—The tent occupied the whole of one side of the vessel; the other side there was a clear passage.

Did the duty of the crew, in the ordinary management of the vessel, carry them at any times from one end of the ship to the other?—Constantly.

You have stated that beneath this tent there was a sofa and a travelling bed?—Yes.

Do you know whether her Royal Highness reposed under that tent alone during the night?—I do not know, because I have not seen it.

Do you recollect, during the journey by land from St. Jean D'Acre to Jerusalem, whether her Royal Highness, during the time she reposed, was dressed or undressed?—I never saw her undressed.

Have you any reason to know, whether she was one or the other?—I have never seen her during the day whilst she was reposing, consequently I have not seen her undressed.

Have you happened ever to go in immediately previous to your resuming your journey?—We always dined under her Royal Highness's tent previously to our departure.

Are you to be understood to say you do not know whether her Royal Highness was dressed or undressed, during the times of lying by?—I do not believe she ever was undressed during that journey.

State the grounds of the belief you have framed?—I never saw any bed-clothes on the sofa that was placed in the tent.

This was with respect to the journey by land; as to the tent on board the ship, do you know whether her Royal Highness was dressed or undressed whilst under the tent?—I never saw any bed-clothes on the sofa.

Do you recollect, upon any occasion, an accident happening one night, by a sea breaking into the tent?—I do.

Be so good as to describe the nature of that accident, and what you observed?—It was on the coast of Caramania, in a squall the sea broke over the quarter of the vessel, and her Royal Highness came down below to sleep.

Was the accident of that nature to call you up immediately?—It was.

Did you see her Royal Highness at the moment of her coming down?—I did.

Upon that occasion was her Royal Highness dressed or not?—She was dressed.

Did you at that moment observe anybody with her?—The persons handing her down.

Who were the persons or person handing her down?—I think it was Bergami, and Mr. Flinn I think.

Was Bergami at that time dressed or undressed?—He was dressed.

Do you recollect during the voyage a bath being taken by her Royal Highness?—I recollect that her Royal Highness did take baths on the passage home.

When the bath was taken, what was the description of the tub, or the implement used for a bath?—It was a common bathing tub, made at Augusta by my directions.

Without asking you as to the precise size of it, was it of such a size, that it could or could not be put into her Royal Highness's cabin when her bed was there?—I do not think it possible.

During the time you were on board this vessel, did you ever see her Royal Highness sitting upon a gun with Bergami?—I never saw that.

Did you ever see her sitting on a bench, either with her arms round him, or his round her?—Never.

Did you ever see the one kissing the other?—Never.

Did you ever perceive any impropriety or indecency of behavior of the one towards the other, while you were on board the vessel?—Never.

Did your duty carry you frequently upon the deck?—It did; the management of the ship was chiefly in the hands of Mr Flinn.

In point of fact, were you generally on deck or not during the day?—I was.

Do you recollect, at any time, Bergami dressing himself up in any particular way on board with pillows?—I do.

Be so good as to state the occasion of that circumstance?—It was in derision of the English consul at Jaffa, who came on board in long Greek robes, with a gold-laced cocked hat and a gold-headed cane.

Was he a pompous figure, this consul?—He was.

Do you remember a person of the name of Mahomet, who was on board on your return voyage?—I do.

Do you remember a dance performed by Mahomet?—I do.

Can you remember the occasion upon which that dance was called for?—It originated in a sort of quarrel that this Arab had with the doctor; he being sick on board, the doctor wanted to give him some physic; he would not take it, and afterwards he used to laugh at the doctor, and ridicule him by this dance.

Was the doctor angry with him for not taking his physic?—The doctor abusing him for not taking his physic, was the cause of the quarrel or difference.

When the doctor appeared on deck was Mahomet sometimes called for?—By one or the other of the suite pointing to the doctor, and saying, "Mahomet, dema dema," upon which he performed this dance.

The Attorney-General objected to hearing what was done by others.

Mr. Brougham said the witness was stating a fact, and all that accompanied a fact was evidence.

Have you any notion of anything indecent or improper in this dance?—Not the least, more than the Spanish bolero, or the Negro dance.

Have you ever seen Mahomet performing the same dance on shore?—I have frequently.

Was the dance which you saw him perform on shore the same which you have described that he performed on shipboard?—Precisely.

You landed at Terracina after the long voyage?—No, at Cape d'Anza.

Before you arrived at Cape d'Anza, did any one land at Terracina?—There did.

Who was the person, or who were the persons, that landed at Terracina?—Bergami, Camera, and, I think, Teodoro Majocchi.

Was the vessel bound to perform quarantine?—We were not in port; we were then at sea.

Would the vessel, at the time of your landing, have been bound to perform quarantine?—We had already performed quarantine at Syracuse and Messina, and in all probability, we should have had to finish a long quarantine at any port we should have gone to, our quarantine not being out from Messina.

What was the reason of the persons whom you have mentioned being landed at Terracina?—To obtain pratique, in consequence of her Royal Highness being so excessively fatigued, and being on board so long.

In point of fact, was her Royal Highness in a state of fatigue and exhaustion at the time?—Very much so indeed.

Do you recollect, at the time those persons put off in the boat, who were on the deck of the vessel?—Her Royal Highness and everybody.

In what manner did those persons take leave of her

Royal Highness?—By kissing her Royal Highness's hand in a respectful manner.

Did each of the three persons you have mentioned kiss the hand of her Royal Highness?—I think they did.

Did Bergami, or did he or did he not kiss her Royal Highness upon that occasion?—Kiss her face?—No, certainly not.

After the long voyage, as it is called, her Royal Highness went back to the Villa d'Este?—She did.

Did she, during her stay at the Villa d'Este, go to the Barona?—After staying some time at the Villa d'Este she went to the Barona.

What is the size of this House that is called the Barona? is it a large house or a moderately sized house? —No, it was a small country house fitted up for the purpose.

Was it a house in which any large fête could be given? —Oh no.

What was the nature of the entertainments given by her Royal Highness at the Barona?—There were no entertainments, except to the farmer's daughters, to amuse, in fact, the household.

Was the time, of which you are speaking, carnival time?—It was.

Did you ever see at those entertainments the wives of persons, as well as their daughters?—The eldest of the daughters was married; I do not recollect if any more were married, but I recollect one was married.

The question does not refer to any particular family; but did the persons who attended at those entertainments bring their wives as well as their daughters?—I have seen the wife of the Chevalier Tamasia and his daughters, the wife of Professor Mocatti, and the wife of Baron Cavaletti.

Who was the Chevalier Tamasia?—He had been prefect of Como for some years.

Were the other persons, whom you have named, persons who resided in the neighborhood?—Yes, they were, with the exception of the Professor Mocatti, who was at Como.

Do you recollect whether the clergyman of the place

was there, or not?—I have seen him frequently; at the dance I cannot say.

Do you mean that you have seen him frequently visiting her Royal Highness?—Frequently.

Could you mention whether, at the dance described, her Royal Highness was constantly in the dancing-room, or in what manner she was situated?—She was not constantly in the dancing-room; she chiefly remained in an adjoining room; she came in occasionally.

Did you yourself partake at those dances?—Always.

Did her Royal Highness retire for the evening, or not, before the dances were finished?—Chiefly.

Whilst you have been at those dances, have you perceived anything either indecent or indecorous in the parties there?—I have not.

Do you recollect a river that is called the Brescia, near the Villa d'Este?—Yes, I do.

Of what nature is that river? describe it if you please.—It is a sort of torrent, rather than a river.

Is it ever dry, or with little in it?—Certainly, with little water in it. I do not recollect ever to have seen it quite dry; when it rains, it runs with amazing rapidity.

Is it a place that people would choose to bathe in?—I should think not.

Do you recollect accompanying her Royal Highness upon the tour into Germany?—I do.

In about what part of the year did that take place?—The early part of the year; I should think about March.

That was March, 1817?—Yes, March, 1817.

Do you recollect being at Carlsruhe?—I do.

Who received her Royal Highness at Carlsruhe?—There was a grand chamberlain received her Royal Highness on getting out of her carriage, and a chamberlain appointed to attend her always after.

Do you remember the name of that gentleman?—The Baron d'Ende.

Did her Royal Highness pass the greater part of her time at court, or in retirement, whilst she was there?—Almost always at court, or in the family of the Grand Duke.

Where did her Royal Highness usually dine, during

her stay at Carlsruhe?—At the court, or else at the Margravine's, the Grand Duke's mother.

Did her Royal Highness usually sup out?—Mostly.

Where was the supper given?—At the Grand Duke's; and I think once at the Margravine's.

Were there any parties assembled on those occasions to meet her Royal Highness?—Always, except the first day's dinner at the Margravine's.

Was it on your way back from Carlsruhe that you were stopped at Scharnitz?—If that is the name of the barrier town between the Austrian Tyrol and the kingdom of Bavaria, we were stopped once there.

Do you remember the time of day when you got into this place?—I think it was about the middle of the day.

What occasioned your being stopped there?—We were travelling in sledges, in consequence of the depth of the snow, and the carriages were behind; the man at the barrier not having a passport, would not take the word of the courier, or ourselves in fact, that it was the Princess of Wales, and he stopped us from passing.

Did that make it necessary for any person to go back to Inspruck?—Mr. Bergami went back immediately to Inspruck with Captain Vassali, I think, to procure passports.

Do you recollect at what time Bergami and Captain Vassali, returned back to Scharnitz?—I should think it was about one or two o'clock in the morning; it was very late.

Was that on your road to Vienna?—It was in the road to Munich going to Vienna.

Did you afterwards, on your return from Vienna, pass through Trieste and Venice?—We did.

Do you remember her arriving at Trieste?—I do.

About what part of the day was it?—The middle of the day; about noon I should think.

Did any one receive her Royal Highness upon her arrival at Trieste?—The governor was sick in bed, and I think it was the vice-governor who received the Princess; at least, that came to the inn after she arrived.

Do you remember the name of that nobleman or gentleman?—I do not.

In what manner did her Royal Highness pass that evening?—We went to the opera.

When did you leave Trieste?—The following day, about five or six o'clock in the evening.

Do you recollect that distinctly?—I positively recollect it.

Have you any particular reason for your distinct recollection of this fact?—I have.

What is that reason?—I have a letter that I wrote at the time from Venice on our arrival at that place; it is dated on the 18th of April, in the morning.

Have you got the letter in your pocket?—I have. (The witness produced a letter.)

Is it a letter written to the lady whom you have since married?—It is.

Was that letter sent from Venice?—It was not only sent from Venice, but it was chargé at the post-office.

Has it the Venice post-mark upon it?—It has.

Is there any passage in that letter by looking at which you are certain you arrived at Trieste?—Certainly, it is dated the 18th from Venice.

Can you by looking at that letter state the day on which you arrived at Trieste?—We arrived at Trieste on the 15th.

Is it a journey of one day or more days between Trieste and Venice?—It was a good journey of twenty-four hours' post.

Did it occupy you about that time to perform the journey?—On the night of leaving Trieste, we stopped some time at a small village in consequence of something happening to one of the carriages, and the sea breaking over the road; in fact, it was bad weather.

Do you happen to remember the name of that village?—I do not recollect the name of it.

Was it called Monte Falconi?—I cannot say; it was after descending the high hills about Trieste.

Do you remember a gentleman of the name of Baron Ompteda?—I do.

Was he in the habit of visiting at her Royal Highness's house?—Constantly.

Do you recollect his visiting at Genoa?—I do.

Did he dine there, or only call there?—He dined there.

At that time was Theodore Majocchi in the service of her Royal Highness?—He was.

Was it his duty to wait at dinner at that time?—It was; he was a footman.

Did you see the Baron Ompteda again at Milan, or where?—At Milan, and at Como also.

On those occasions was he visiting at her Royal Highness's?—Yes.

Did he dine at either of the times you have last mentioned?—Yes.

Do you remember his coming to the Villa Villani?—I do.

How long did he stay there?—Sometimes he stopped over night; I am not quite sure, whether one or two days; but I am certain that he stopped over night.

Do you know whether there was a room in the house that was called in the family Baron Ompteda's room?—Yes, he always occupied the room appointed for him.

At the times last examined to, was Theodore Majocchi still a servant?—Still a servant in the house.

Have you ever yourself conversed with Majocchi upon the subject of Baron Ompteda?—I have never spoken to Theodore Majocchi except upon our arrival at Rome, some time after Baron Ompteda had been at Como.

In the course of that conversation did you mention the name of Baron Ompteda?—I did.

In the course of the different journeys you have made with her Royal Highness, was it customary or not to be shown into rooms of entertainment where beds were standing?—Very frequently.

Was it a thing at all uncommon to be shown into a room of that description?—Not at all.

Do you recollect her Royal Highness giving you any directions as to Ompteda?—I do.

Or making any representations to you on the subject of Ompteda?—Yes.

What were the directions her Royal Highness gave to you?—

The Attorney-General submitted to their lordships, that this was not a question which could be regarded as material in any point of view; it was impossible to judge as to where the examination would stop, if such

questions were put to the witness. Undoubtedly every question was admissible that referred to the conduct of her Royal Highness; but any particular inquiry, as to directions that she might have given on some particular occasion, did not seem to partake of that materiality.

Mr. Tindal contended, that the question was admissible as preliminary to evidence of a more distinct sort, as perhaps essential to the confirmation of some fact that might subsequently appear.

The Lord-Chancellor said that the regular course would be, first, to ask the witness whether he did such and such a thing, and then whether he did it by her Royal Highness's directions.

The witness was again called in.

In consequence of any directions from her Royal Highness, did you do anything, or take any step with respect to Baron Ompteda?—I did; it was not a direction, it was a representation.

What did you do?—I called him out.

Did you, at any other time, do anything at Rome with respect to Baron Ompteda?—I did.

The counsel were directed to ask what he did, and then to ask the directions under which he did it.

What was it you did?—I told the servants of the house they were not to molest or to take any notice of Baron Ompteda, should they meet him.

Was Majocchi one of the servants?—I am most positive he was.

Do you recollect upon any occasion her Royal Highness visiting any of her servants when ill in bed?—Frequently.

Do you recollect in particular her visiting a servant of the name of Camera?—I do, at Jerusalem.

What was the nature of his complaint or supposed complaint?—We imagined it even to be the plague; it was very severe.

Was that stated to her Royal Highness before she visited him?—That I cannot say; but he was excessively ill.

Did she, in point of fact, visit him?—I was not present in his room, to my recollection.

Do you recollect her visiting any other persons of her suite?—I do.

Upon the various occasions you have seen her Royal Highness, was she received at the different courts where you visited by persons of the first distinction or not?—All except Vienna.

Who was the ambassador at Vienna?—Lord Stewart.

Upon those occasions, when she was so received, what was the conduct and demeanor and appearance of her Royal Highness?—Everything that was majesty and grace.

How was she treated at those courts?—With the greatest respect and attentions.

Do you remember her Royal Highness travelling from Ancona towards Rome?—Yes, I do.

Do you happen to know who was the courier employed upon that occasion?—I cannot say positively; I think it was Carlo.

Do you remember the subsequent journey from Rome to Sinigaglia?—I do.

Do you recollect in what carriage her Royal Highness travelled upon that occasion?—She travelled in an English landaulet; I am most positive as to this fact.

In what carriage did you travel yourself?—I was in an English landau, I think; it is a long time ago.

Do you remember who accompanied you in that landau?—I think the Count Schiavini, Mademoiselle De Mont, and her sister.

Do you remember anything happening to the Countess Oldi in the course of that journey?—No.

The question refers to the journey from Rome to Sinigaglia?—She was ill in the journey from Ancona to Rome.

When she was taken ill on the journey from Ancona to Rome, did that occasion any alteration?—She changed carriages; she went into the landau, and Mademoiselle De Mont went with the Princess in the landaulet.

Did you go back from Rome to Sinigaglia?—We did.

Was that the only journey you took from Rome to Sinigaglia, until after the late King's death?—That was the only journey I ever performed from Rome to Sinigaglia.

Have you any recollection yourself, who did perform the office of courier upon that journey?—I do not recollect; there were two couriers, Carlo Forti and Sacchini.

Do you mean two couriers in her Royal Highness's service?—I do.

Can you, by adverting to anything, recollect which of the two rode as courier upon that journey?—I do not recollect positively which of the two it was.

Do you remember at all, whether Sacchi was taken ill upon any occasion?—I do; it is very imperfectly in my recollection; I remember he was not well.

When the name of her Royal Highness is mentioned to you, does that bring to your recollection anything about his being ill?—No.

Do you remember in the journey to Rome, any accident happening as to the horses of any of the carriages?—I do.

What was that accident?—It was an accident from the horses of the Princess's carriage taking fright on leaving the post.

How long, upon the whole, have you been in the society of her Royal Highness, as part of her suite?—Only since the month of April, 1815.

Down to what time?—Down, I believe, to the present time.

How long have you been actually living with her Royal Highness?—To April, 1818.

From April, 1815, to April, 1818, have you been constantly living with her Royal Highness?—I have.

During the whole of that time have you ever seen anything in the conduct of her Royal Highness towards Bergami, or of Bergami towards her Royal Highness, that was improper, indecent, or degrading to the station of her Royal Highness?—I have not.

What salary had you during the time you were attached to her Royal Highness's suite?—Two hundred pounds a year.

Does her Royal Highness continue that salary up to the present time?—She does.

Cross-examined by the *Attorney-General.*

You are a lieutenant in the navy?—I am.

How long have you been a lieutenant in the navy?—Since May, 1809.

How long had you been in the navy before you were made a lieutenant?—Six years.

Your father had been in the service of her Royal Highness?—He was.

He was a page, was he not?—He was.

Do you know how long he was in that service with her Royal Highness?—In the service of her Royal Highness, I do not know; but all his life in the service either of his present Majesty or of the Princess Charlotte.

Her Royal Highness interested herself about your promotion?—Very much.

And through her good offices you were promoted to the rank of lieutenant?—I was.

When was it you joined her Royal Highness's suite?—In the month of April, 1815.

At Genoa?—Yes.

In what capacity?—I cannot positively say in what capacity, but I was given the salary of an equerry, as I was told.

You do not know in what capacity you were in her Royal Highness's suite?—I did not at that time, except the conviction that it was as equerry.

What situation did you subsequently fill in her Royal Highness's suite?—None.

How long were you at Genoa before her Royal Highness quitted it for Milan?—I should think about six weeks.

Bergami was a courier at that time?—He was.

He wore the dress of a courier?—He wore the dress of a courier.

How long after your arrival at Milan was her Royal Highness left without any English lady of honor?—Her Royal Highness was left without any English lady of honor about ten or twelve days, I think, after her arrival at Milan.

How soon after she was left by her English ladies of honor did the Countess Oldi come?—A very short time; one or two days probably.

Before the Countess Oldi came, had Faustina and the little Victorine come into her Royal Highness's family?—They came to Genoa with the child, but I never understood they were in the family.

Did not they live in the family?—I never saw them at Genoa, but by hazard in the garden.

How often did you see them by hazard in the garden?—I might have seen them once or twice, sufficient to know that they were there.

That is in the garden?—In the house; they were in the house.

Do not you know they lived in the house at Genoa?—I know they lived in the house at Genoa.

In the Princess's house?—In the Princess's house.

When did the mother of Bergami come to the Princess's?—At that time, I think, she came with the child.

Was she also in the house of the Princess at Genoa?—Yes; I speak to the best of my recollection.

Did not Louis Bergami also come into the family of Genoa?—He was there when I arrived.

What situation did he fill in the family at that time?—Page.

Do you mean that he was an upper servant or a footman only?—An upper servant.

At that time?—Yes.

Did he wear the livery?—Yes, a sort of uniform rather than a livery.

You have stated, that you accompanied her Royal Highness in a tour she took to Mount St. Gothard?—I did.

Did not Bergami accompany her Royal Highness on that occasion as a courier?—He was dressed in a courier's dress, but he then rode in a carriage.

In what carriage did he ride, and with whom?—He rode in an open calash, but with whom I cannot say.

Was it not with Hieronimus?—I think it was.

Was not Hieronimus the other courier at that time?—Hieronimus did travel occasionally as a courier, but he was maitre d'hotel, as I always imagined.

Had not Hieronimus a courier's dress on?—He had.

Hieronimus and Bergami, both having courier's dresses on, travelled together in the same calash?—Both.

In what month was that tour taken?—I think in the month of August, 1815.

In the course of that tour did not Bergami dine with her Royal Highness at Bellinzona?—He dined with her Royal Highness, I think it was at Bellinzona.

Who dined with her Royal Highness besides?—There was the Professor Configliac, who accompanied her Royal Highness, and a man who was living in the mountains; I do not know what he was.

Was not Bergami at the time dressed as a courier?—He was.

Did you dine with her Royal Highness upon that occasion?—I did.

And remained at the table during the whole of dinner?—I did.

You have said, that he did not dine regularly at that time with her Royal Highness; did he after that time occasionally dine with her in his courier's dress?—Never afterwards in his courier's dress.

When did he begin regularly to dine with her Royal Highness?—At the Villa d'Este.

In what month?—I think it was about the month of September that we got to the Villa d'Este; but I cannot speak to a few days at this period.

Did not Bergami dine with her Royal Highness at Lugano?—That was on the return from the journey to Mount St. Gothard

He did dine with her Royal Highness at Lugano?—I think he did.

Was he not then courier, as he was upon former occasions, when he dined with her Royal Highness?—It was upon the same journey.

Do you remember any other place, in the course of that journey, in which they dined together?—No, I do not.

At the Devil's Bridge did they dine together?—That was on the same journey; I rather think they did.

On those occasions, on that same journey on which Bergami dined with her Royal Highness, was he not in the dress of a courier?—He was.

When you were at the Villa d'Este, Mr. Burrell left her Royal Highness?—He left at the Villa Villani.

That was just before you got to the Villa d'Este?—It was.

Mr. Burrell was not on that journey to Mount St. Gothard?—He was not.

Nor Doctor Holland?—Doctor Holland had left at Venice.

Then was there any other English gentleman with her Royal Highness, except yourself, on that tour to Mount St. Gothard?—None.

When you were at the Villa d'Este, have you not frequently seen her Royal Highness and Bergami walking together?—I have.

Before you set out on the voyage?—On the long voyage, yes.

Have you seen them together in a canoe on the lake?—I have seen them together in a small boat.

With no other person with them?—The boat was not big enough to hold a third, I should imagine; that is to say, conveniently; it was a canoe.

When you have seen them walking together, have you not seen them walking together arm and arm?—I have seen them walking together arm and arm.

At the Villa d'Este?—Yes, as I have seen her walk with other gentlemen.

You have stated that during the whole course of the time you were with her Royal Highness, you saw nothing improper, indecent, or degrading to her station, in her conduct towards Bergami?—I have.

You have stated, that you saw her dining with him, when he was a courier, in his courier's dress; that he afterwards walked with her at the Villa d'Este arm in arm; they went out together in a canoe alone, and that he then began regularly to dine with her Royal Highness's; do you think that degrading or not?—I never saw her Royal Highness walk arm and arm with him, until he began to dine regularly with her Royal Highness.

You must perceive that is no answer to the question; do you consider that which you have stated as degrading to her Royal Highness or not?—I do not.

You have stated, that you do not remember seeing her walking arm and arm with him till he dined regularly at the table; did you not see them walking arm in arm in the course of this journey to Mount St. Goth-

ard?—I do not recollect it; I swear, I do not recollect it.

Will you swear they did not?—I will swear, to the best of my recollection, that I did not see them.

You say you did not consider this at all degrading to her Royal Highness; have you never represented it to her as degrading to her that Bergami should dine with her?—I never did.

Did you never desire her Royal Highness not to admit Bergami to her table?—Not to my recollection; I did not.

Nor anything to that effect?—Nor anything to that effect.

Have you never entreated her Royal Highness not to admit Bergami to her table?—I never did.

Then if you never did entreat her Royal Highness not to admit Bergami to her table, you never did represent that to any person?—I do not think I ever did; I could not.

You are not asked whether you could or not, but whether you have ever represented to any person that you had entreated her Royal Highness not to admit Bergami to her table?—I am confident I did not.

You are positive you never did?—I am positive I never did; I feel convinced I never did.

Have you ever stated that you entreated her Royal Highness on your knees, and with tears in your eyes, to dissuade her from admitting Bergami to a seat at her table, but without effect?—Never; I never did such a thing.

You are not asked whether you ever did such a thing, but whether you ever stated to any person that you had so done?—I do not think I ever did; I have no recollection of the fact; I could not have done so.

If the fact never happened, you can have no doubt you never did?—I have no doubt within myself.

Is it to be understood, that you now swear you never made such a representation to any one that you had so done. I will read the words again, "that you have never stated that you had entreated her Royal Highness on your knees, and with tears in your eyes, to dissuade her from admitting Bergami to a seat at her table, but

without effect" ?—I swear not to have the smallest recollection, and I do not think I have done it; I have not done the thing.

You are not asked whether you did actually entreat her Royal Highness on your knees, but whether you have ever stated that you did, or to that effect?—I have not the smallest recollection of ever having stated such a thing.

Will you swear you have not?—I swear, to the best of my recollection, that I have not.

You say you swear to the best of your recollection; will you undertake to swear positively one way or the other?—I swear as positively as I can; I have no recollection of the fact; I have no recollection of ever having said so to any person.

Will you swear you have not so said?—I will swear, as I said before, I have no recollection of the fact. I cannot swear to a thing I do not recollect.

You have already sworn that the fact was not so; that you did not entreat her Royal Highness not to admit Bergami to her table; can you have any doubt that you have not said so?—I have no doubt that I never said so; at least, I have not the smallest recollection of the fact.

Were you on board the Leviathan?—I was.

Do you know Captain Briggs?—I do.

Upon your oath, did you never state that to Captain Briggs?—Upon my oath, I do not recollect the circumstance.

Will you swear you did not state that to Captain Briggs, "that you had entreated her Royal Highness, and with tears in your eyes, to dissuade her from admitting Bergami to a seat at her table, but without effect"? —I have not the smallest recollection of ever having said the like to Captain Briggs.

And that that happened the day that the Princess changed the condition of Bergami from being a servant to being a companion?—I do not recollect having said anything of the sort to Captain Briggs.

Will you swear that you did not?—I will swear that I have no recollection of it.

Is that such a circumstance as that you can have for-

gotten it if it took place?—It is such a circumstance as that I should have recollected it, I think.

If the fact be true, can you have any doubt you would recollect it; and if it be not true, have you a difficulty in swearing it did not take place?—It is some years ago; it is a long time ago; I cannot recollect the fact.

You have sworn that the fact did not take place; would you, as a gentleman, have represented that that fact had taken place if it had not?—The fact is true, I did not do the thing.

If the fact is not true, could you have represented the fact to have taken place to any other gentleman?—I should imagine not.

Have you any doubt upon that?—No, I do not think I did.

Although you do not think you did, is it to be understood that you will not swear you did not state so to Captain Briggs?—I cannot swear to a thing I have no recollection of; that is impossible.

What do you believe? do you believe you stated it or not?—I do not believe I did.

Then you will swear you do not believe you stated that to Captain Briggs, but you will not swear positively you did not; is that to be understood to be your answer?—Yes.

How long were you on board the Leviathan?—About three weeks.

Where did you leave Bergami's mother and his sister, before you went upon the long voyage?—I think at the Villa d'Este.

How was the mother addressed by the persons in her Royal Highness's family? what was the name given to her?—Madame Livia, Nona, the name given her in the family.

Do you mean to state, that she was called Madame Livia in the family before the long voyage?—I cannot positively say that, for I do not think I ever spoke to her more than once or twice; if I did speak to her I did not call her Nona; I do not know what she was called.

Did you ever hear her Royal Highness call her Nona?—Frequently.

After Mr. William Burrell left, and when you were at

the Villa d'Este, was her Royal Highness in the habit of amusing herself at games with the servants ?—Very frequently; it was more to amuse William than anything else, I believe.

Did her Royal Highness join in those games ?—Yes.

Was the game Colin Maillard one of them ?—There were several games, what they call the Petits Jeux.

Were those games played before Mr. Burrell left her Royal Highness's service ?—I do not recollect.

Have you any doubt that they were not ?—I rather think they were played even while he was there; I am not certain, but I have no perfect recollection of it.

You know he left at the Villa Villani ?—Yes.

The question refers to the Villa d'Este ?—Then he was not there, but the same games were played at the Villa Villani.

Before he left ?—Yes, and everywhere else.

Do you mean to state that Mr. Burrell joined in those games; that they were played when he was present ?—I do not recollect the fact of his being there.

Had Bergami ever dined with the Princess before Mr. Burrell left ?—No.

Was there any other English gentleman in her suite, except yourself, at the time Bergami began to dine with her Royal Highness ?—I was the only English person in the suite.

Were Bergami and his brother Louis present at those games you have been talking of ?—Yes.

Faustina, the sister ?—No, I do not think she was.

Was not she living in the family at that time ?—I do not think she was; I do not recollect seeing her there.

Did you ever see her Royal Highness perform in the theatre at the Villa d'Este ?—Yes.

Have you not seen her perform the part of Columbine when Louis Bergami was the harlequin ?—I do not recollect that, but it was before more than two hundred persons she performed; I do not recollect what parts she performed.

Do you recollect Louis Bergami performing with her Royal Highness ?—Everybody performed on the stage together, at least all the household; the piece,

whatever it was, was composed of the persons of the house.

Was Louis Bergami one of them ?—He was.

Will you swear that you do not recollect her Royal Highness performing the part of Columbine ?—Upon my word it is not marked on my memory, that she performed the part of Columbine.

Do you mean that the general conduct of her Royal Highness was such, that you have no recollection of her performing the part of the Columbine with Louis Bergami ?—I do not recollect whether she performed the part of Columbine ; there were two or three pieces that evening ; she may or she may not ; I do not positively remember that evening.

Or on any other evening ?—No, that was the only time that was performed ; there were rehearsals to that little piece that was performed.

I thought you said there were two or three pieces ?—Yes, on the same evening ; I do not recollect perfectly what they were : amongst the rest there was a dance, I believe.

Did her Royal Highness dance ?—Yes.

With whom did she dance ?—With all indiscriminately ; I do not know with whom ; the chevalier Tamasia performed, and Doctor Mocatti, I think, performed also.

Do you mean to say you do not remember, whether her Royal Highness danced with Louis Bergami on the stage that evening ?—I do mean positively to say, that I do not recollect having seen her Royal Highness dance with Louis Bergami ; she may, or she may not.

Was not one of the pieces a harlequinade ?—Yes, I think it was.

Who performed the part of harlequin ?—I have seen Louis Bergami dressed as harlequin ; he had the dress.

Having recollected who was the harlequin, do you not remember that her Royal Highness was the Columbine? —No, I do not recollect the fact ; if I was to say it, it would be only because you say it ; I do not recollect that her Royal Highness performed the part of Columbine ; the thing is not sufficiently impressed upon my memory to declare that it was so.

You will not say that she did not perform the part of

Columbine ?—I will say as much one way as the other; I do not recollect.

Do you remember any part that the Princess performed that evening upon the stage ?—Yes, I think she performed the part of an automaton.

What do you mean by an automaton ; in what way did she perform ?—The history was—it is so long ago that I do not recollect, but it was a man that wanted to sell an automaton, a woman in fact that you could wind up to anything ; I forget the history of the thing ; it was a farce upon the person who bought it, to find his mistake ; it is a long time ago ; I do not recollect the whole of the story ; it was a little story composed by the Princess herself, I believe.

Then her Royal Highness was the automaton ?—Yes, I think she was ; she was in fact.

Did Bergami perform the part of the person who wanted to sell the automaton ?—No, I think it was the Chevalier Tamasia.

Who was the person that was to purchase the automaton ? who performed that part ?—I think it was Professor Mocatti.

Did Bergami perform in that piece ?—I do not think he did.

Did her Royal Highness play any other part that evening in any other piece ?—I cannot remember, it is so long ago.

Cannot you recollect her performing some part with Bergami ?—No, I cannot recollect what part she performed.

Did not you remember Bergami performing the part of a sick person ?—No ; I recollect Bergami performing the part of a fiddler, a sort of a fiddler.

That is another time ?—Then I have confounded the two ; I only remember one.

He performed the part of a fiddler; did not her Royal Highness on that occasion perform the part of a milkmaid, or a person in low life ?—I do not recollect what part her Royal Highness performed, but there were more than two hundred people there ; there were plenty to see.

Do not you remember that on that evening she did

perform the part of a milkmaid?—No, I do not remember the fact.

Or on any other evening?—No, I have only a recollection of that one evening.

Did not Bergami perform another part that evening, besides this dance?—It is very probable, but I do not recollect.

Did not he perform the part of a physician, and her Royal Highness the part of a sick person?—I do not recollect the fact; I have a slight vague remembrance of something, but I cannot charge my recollection with it.

Do you remember, before your setting out on the long voyage, Saint Bartholomew's day being kept at the Villa d'Este?—I believe it was on that very day, that this piece was performed at the theatre.

Was that day kept in honor of Bergami?—I do not recollect whether it was St. Bartholomew's day, or what day; I recollect some great fête at which this piece was performed, but to say it was St. Bartholomew's day I cannot.

Do not you know that this fête was given in honor of St. Bartholomew?—No, I do not; I think it was given on christening the Villa d'Este, on taking possession of the place, which was formerly called Il Garo, and it was christened by the name of Villa d'Este.

What month was it in?—It was before our departure; we left on the 14th of November; I cannot say whether it was a week, or a month, or six weeks before our departure.

Whether it was the day on which this theatrical representation took place or not, was there not a fête at the Villa d'Este on the 24th of August, Saint Bartholomew's day?—I cannot recollect whether there was a fête on that day or not; there might have been.

Is there nothing to bring to your recollection whether that fête was on the 24th of August, St. Bartholomew's day, or not?—I think it was about that time, the 24th of August, we were performing the journey to St. Gothard; it was in the early part of August; we had not got possession of the Villa d'Este then.

Was there no fête given at the Villa d'Este before you

actually took possession of the Villa d'Este ?—No, I do not remember that there was.

Did you accompany her Royal Highness to Venice ?—I did.

With Dr. Holland ?—With Dr. Holland.

You remained at Venice during the time her Royal Highness was there ?—I did.

You have stated that you accompanied her Royal Highness on the long voyage ; before that voyage had Bergami been raised to the rank of a baron ?—No.

Before your leaving Sicily ?—Before our leaving Sicily he was.

And a knight of Malta ?—And a knight of Malta.

When you first went on board the polacca, where did Bergami sleep, where was his sleeping-room ?—I think he had the after of the small cabins on the starboard side.

What sized vessel was the polacca ?—I should suppose about 260 tons English.

About what width was she at the stern ?—Probably about eighteen feet, or not so much ; but I may be out ; I never measured it.

She was a vessel of about 260 tons ?—Yes, the Italian vessels, the foreign vessels fall in very much; they are not built so wall-sided as ours are.

You have said that Bergami at first slept in a small cabin ?—The after cabin on the starboard side of the vessel ; one of the small cabins.

Was that next the dining-room ?—It was.

Who slept in the cabin next to him on the starboard side ?—I think it was the Count Schiavini.

Who next to him ?—William Austin.

Who next to William Austin, do you recollect ?—I think Camera.

Who on the other side, the larboard side ?—The two maids ; the after cabin next the dining-room.

Who next to them ?—Myself.

Who next to you ?—Mr. Flinn.

Who next to him ?—Hieronimus.

After you left Tunis, did Bergami sleep in the dining-room ?—Yes, he did.

You have stated, that whilst you were at Tunis you visited Utica ?—I did.

Where was it you slept on the night of the day you visited Utica?—We slept at the palace of the younger Prince Sidi Mustapha, called Sabella.

Utica itself is in ruin?—In perfect ruins.

How far from Utica is the palace of that younger Prince?—I should think eight or nine miles.

How far is Utica from Tunis?—About two-and-twenty miles.

After having visited the ruins of Utica from Tunis, you went to sleep at the palace of this younger Prince?—We returned to Sabella.

You have stated that on board this polacca, there was a tent on the deck?—I have.

And that on your return from Jaffa, the Princess slept under that tent?—Constantly.

Was that tent always of the same size, or had it been more contracted at first and afterwards enlarged?—From Jaffa, I imagine, it was always of the same size; I do not know of any particular difference.

When you say you imagine, do you recollect one way or the other, whether the tent, when first it was put up, covered the passage which you state there was from the deck to the dining-room?—I think it always covered the passage.

Are you quite sure of that?—I am quite sure with myself; I have no recollection of it any other way.

What was the size of the tent?—It might have been ten feet in the length, and the sofa was about six feet; I suppose it was about four feet more, about ten feet.

How wide?—It included one side of the ship, and the hatchway of the ship perfect.

How wide do you think it was?—I suppose it might have been sixteen feet altogether.

You say there was a sofa and a bedstead under that tent?—I do.

Whereabout was the bedstead, with reference to the sofa, under that tent?—The bedstead was at right angles with the sofa.

How near?—Three or four feet apart.

How near was the nearest part of the sofa?—I mean the adjoining angle of the sofa and the bed I should imagine to be about three feet or four feet apart.

You have stated, when you were off Caramania an accident happened, and that her Royal Highness came below to sleep; where did she sleep?—At first she laid down upon the deck; afterwards she went into the cabin of William, where the water came in; and lastly, she came and lay upon my bed; and I cut out the whole of the front of my cabin to admit the air.

When you say she first lay upon the deck, whereabouts did she lie?—I think she lay aft, on the starboard side, in a small space between the cabin and the hatchway.

You stated that you saw Bergami handing her Royal Highness down; did you see afterwards where he slept, where he was lying down?—I do not think that he lay down at all; I do not recollect where he was afterwards; I only saw him handing down her Royal Highness, with, I think, Flinn and others assisting; Flinn was assisting her Royal Highness down, but where he went afterwards I have no recollection; I took no notice.

You have no recollection then of seeing Bergami after that anywhere?—I have not.

Did you not see him lying down upon the deck after that?—No, I do not recollect that I did.

Where did Bergami sleep on the return from Jaffa?—I do not know where he slept.

Have you never seen him under the tent upon the bed?—In the night-time?

By day or by night?—I have seen him under the tent in the day, as everybody else was there.

Have you seen him upon the bed?—I have seen him sitting either upon a chair or upon that travelling-bed.

You have stated that Bergami at first slept in the cabin which you have mentioned—that he afterwards slept in the dining-room; do you know where he slept on his way home from Jaffa?—I never saw him sleeping anywhere after that, therefore I cannot declare where he slept.

You have stated that upon one occasion, not knowing that the tent was closed, you ascended the ladder to the tent?—More than once.

Did not that ladder communicate to the dining-room?—It did.

At what hour was it, or about what hour was it, upon any of those occasions, that you went into the dining-room, and up the ladder?—It might have been ten o'clock or half-past ten, before I went to bed.

Do you know who was under the tent at that time?—Her Royal Highness the Princess.

Any other person?—I do not know, for I did not see anybody.

Was it dark?—It was dark.

Did you see the Princess?—I did not.

Did you see Bergami anywhere?—I did not.

Did you not upon that occasion pass through the dining-room, in which Bergami had slept on the outward voyage?—I passed through the dining-room.

In which Bergami had slept on the outward voyage?—Yes.

Was there any light in the dining-room at that time?—I do not recollect; I do not think there was.

Where did De Mont and her sister sleep at that time?—I do not know; I have not seen them in bed, but I imagine in their cabins.

After the Princess slept on the deck, did not one or other of them occasionally sleep in the Princess's room with the little Victorine?—I believe they did by turns.

You have said that you do not know where Bergami slept; upon your oath, do not you believe he slept under the tent?—I have heard he did sleep under the tent.

I do not wish to know what you have heard?—And I believe he did sleep under the tent.

Whilst you were on board the polacca, as you have not recollection of St. Bartholomew's Day in the year 1815, was not St. Bartholomew's Day celebrated on your arrival off Syracuse?—We were at Syracuse.

Do you not believe that on the return from Jaffa, Bergami slept constantly under the tent?—I have heard that he did sleep under the tent, and I believe he did sleep under the tent.

Without referring to what you have heard, do you not believe that he slept under the tent?—I have already said so.

Believing that, do you think that degrading or not to

her Royal Highness?—No, I think it was necessary that somebody should sleep near her Royal Highness on deck on that occasion; I have heard that people have slept there too.

You are not asked as to hearing what other people have done, but whether your belief that Bergami slept under the tent with her Royal Highness was or was not a matter degrading to her Royal Highness's station?—No, I do not think it was.

You were asked whether, on your arrival at Syracuse, St. Bartholomew's Day was not celebrated on board the polacca?—I recollect that the sailors had a fête on board, and drank, and sung, and danced.

Upon St. Bartholomew's Day?—I believe it was on St. Bartholomew's Day.

Have you any doubt about it?—No, I have none.

Then why do you say you believe?—Because I believe it was so.

You say the sailors were regaled on that day?—I do not know who paid or who regaled them; I know they were rejoicing in fact.

Do you mean to say you do not know who regaled them on that day?—I do not know who regaled them on that day.

Who do you believe regaled them on that day?—I supposed Bergami did.

Why do you believe that Bergami did?—Because in those countries they always keep the day of their name instead of their birth-day.

Was this day kept in honor of Bergami?—They were rejoicing, and it was his saint's day; in fact, everybody keeps that day in Italy.

Was there any other saint's day kept on board the polacca in the same manner?—I do not remember that there was.

Was not the ship illuminated on this night at Syracuse?—I do not recollect that.

Did not the sailors cry, Viva St. Bartolomeo! Viva la Principessa! Viva il Cavaliere?—They may have cried so, but I did not hear them: at least, it is not marked upon my memory that they did.

Do you mean to say that you heard none of the ex-

clamations of the crew, who were very gay upon the deck?—I must have heard all their exclamations, but none of them have been marked upon my memory sufficiently to enable me to say what they were; it is very possible they may have said Viva il Cavaliere.

Did you see Bergami and the Princess on that day on board the polacca?—We were in quarantine, and everybody was on board; I must have seen them.

Where did you see them, on the deck?—As usual.

Did you see them walking on the deck as usual?—As usual.

In what manner were they walking when you say as usual, the Princess and Bergami?—I do not recollect to have seen them precisely that day walking more than another, but if they were walking, they were walking as they always did.

Arm in arm?—They might have been walking arm in arm.

Was that their usual way of walking on the deck?—Her Royal Highness could not walk on the deck without the arm of somebody.

They were in port on this occasion, were they not, in Syracuse?—They were.

Could she not have walked therefore on the deck without the assistance of any other person?—I do not say she was walking with the assistance of any other person; she may have walked alone, and she may have walked with his arm; I cannot recollect; the thing was not so remarkable as to make a note in my memory how she walked.

Was it so usual for her to walk arm in arm with Bergami, that it made no impression on your mind when you saw it?

Mr. Brougham objected to the question, on the ground that it was assuming that they had been seen walking arm in arm on this occasion, whereas the witness had more than once declared that he had no recollection of such a circumstance. He had no objection to the question as a general question with regard to what occurred at other places; but the witness having said that he had no recollection of their walking in this manner

at Syracuse, it must not be assumed that he had seen them walking arm in arm at that place.

The Attorney-General said, that the witness admitted having seen them walking arm in arm, and he only asked him now if that was so usual an occurrence as to make no impression on his memory?

The Lord-Chancellor thought there could be no objection to the question if its meaning were shaped in a different way, so as not to assume that as proved which the witness had not proved.

Was it so usual a thing for the Princess to walk arm in arm with Bergami, that if she had done it in Syracuse, it would have made no impression upon your mind?—It would not.

During this voyage, and your journey to the East, were any additional orders conferred upon Bergami?—I do not know whether you can call it an order; it was a thing her Royal Highness had spoken of for many months before she undertook her journey, saying she would make a little recompense to those who would accompany her on that pilgrimage, as a mark of distinction, as a memento rather.

The question was, whether any orders were conferred upon Bergami, in the course of that journey to the East?—If that is an order, it was.

What was it?—It was called the Order of St. Caroline.

Was Bergami one of the knights of this order?—Yes, he was.

The grand master?—I believe he was, so it says in the diploma.

Was any other order conferred upon Bergami in the course of that journey, at Jerusalem?—The Order of St. Sepulchre, of the Holy Sepulchre.

Do you know whether that order was purchased for Bergami?—I have not the slightest idea of the thing; I do not believe it was.

Were there any other persons on whom that order was conferred?—There were Count Schiavini and William Austin.

Is that a Catholic order?—I believe it is.

Were you present when that order was conferred upon Bergami?—I was.

And the Princess?—And the Princess.

Where was it?—It was in that called the Temple of Resurrection: the cathedral in fact at Jerusalem.

In going to Jerusalem, did you repose under tents?—We did.

By day?—Yes, by day.

You travelled by night, and reposed by day?—Yes.

How many tents were there, do you recollect?—There might have been six or seven, more or less; I cannot say, but certainly more than four or five.

Who reposed in the tent with yourself?—Mr. Flinn in general, and the doctor I believe, and Schiavini.

Did you see the Princess, when she alighted from her ass, retire to her tent?—I have seen her throw herself on the sofa of her tent, on getting down from her mule or ass.

Do you know where Bergami reposed during the day?—I do not.

Do you not believe that he reposed under the same tent with her Royal Highness?—I do not know; I never saw him there.

Do you not believe that he did?

Mr. Brougham said he did not interpose here for the purpose of objecting to the question, but merely that their lordships might make a note in their own minds, that he did not object to it, although he certainly had a right. He had not, however, the slightest objection to this question, and a thousand others to the same purpose; he was, on the contrary, only sorry that he had not put them himself.

The question was proposed.

He may or may not; I do not know.

What is your belief?—I dare say he did; I do not know.

Do not you believe that he slept under the same tent with her Royal Highness?—I can only say, as I have said, I do not know.

What do you believe?—He may or may not; I cannot say, because I have no grounds for believing it.

Did you see him under any other tent reposing?—No, I did not; I retired to my own tent directly I got off my horse, and there I slept of course till dinner-time;

till it was time to go, when everybody was in movement.

Do you know where Schiavini slept?—I think he slept under the same tent as I did myself, as I have stated; but I will not be positive even as to that fact.

Do you know where Hieronimus and Camera slept?—I do not; I have never seen them sleeping.

You have stated, that in the course of your journey in the East, you were at Ephesus?—I did.

You remember the coffee-house, the Café Turque, at Ephesus?—I do.

Do you remember where the Princess dined, or do you not?—The following day she dined in the churchyard, under the porch of the church; the porch of the old mosque.

Can you recollect where you dined upon that day yourself?—I feel thoroughly convinced that I dined there with her.

Will you swear that that day you dined with her Royal Highness?—I will swear that is the impression upon my mind, that I dined with her Royal Highness.

Where did you land on your return from the voyage?—At Capo d'Anza.

You have stated, that at the Barona her Royal Highness gave some entertainments, some dances, and you have mentioned the daughters of some persons who were there; who were they?—I think they were the daughters of the agent of the farm; the farmer's daughters.

How many of them used to come to the ball?—Three or four, or five; I do not precisely recollect the number; it was a dance, not a ball, for the amusement of the household.

Do you know a person who kept a public house at the village at the Barona?—No, I do not.

The St. Christopher?—I do not.

Do you know a person by the name of Johana Ange?—I do not.

Were there many persons there of low life?—I do not know their situation in life;—I recollect the farmer's daughters; but as to other people of low life, I have no recollection of anything of the sort.

How often were those dances given at the Barona?—Some four or five times; they may have been less.

You knew those daughters of the farmer?—I did not know them except from having seen them there; that is all the knowledge I had of them.

You have stated that upon one occasion you were at Scharnitz?—The barrier town of the Bavarian States?

Mr. Brougham submitted that the witness must not be taken to have stated that he had been at Scharnitz, but at the barrier town between Austrian Tyrol and Bavaria.

The Attorney-General contended that he had admitted his being at Scharnitz, and the following extract was read from the former evidence:

"Was it on your way back from Carlsruhe that you were stopped at Scharnitz?—If that is the name of the barrier town between the Austrian Tyrol and the kingdom of Bavaria, we were stopped once there.

"Do you remember the time of day when you got to this place?—I think it was about the middle of the day.

"What occasioned your being stopped there?—We were travelling in sledges in consequence of the depth of the snow, and the carriages were behind; the man at the barrier, not having a passport, would not take the word of the courier, or ourselves in fact, that it was the Princess of Wales, and he stopped us from passing.

"Did that make it necessary for any person to go back to Inspruck?—Mr. Bergami went back immediately to Inspruck, with Captain Vassali, I think, to procure passports.

"Do you recollect at what time Bergami and Captain Vassali returned back to Scharnitz?—I should think it was about one or two o'clock in the morning; it was very late."

Mr. Brougham said it thus appeared that the witness had not said he recollected the town of Scharnitz.

Were you ever at Scharnitz?—I do not know whether that is the name of the town you allude to.

You recollect the circumstance of Bergami and Vassali going back for the passport from this barrier town?—Perfectly.

There was a great deal of snow on the ground at that time?—A great deal.

Had you a great deal of difficulty in getting on?—A great deal.

Were they not obliged, when you set out from that town, to cut a way for you through the snow?—They were.

There were many persons employed for that purpose, were there not?—Some twenty, thirty, or forty, at different parts of the road; I do not mean to say in a body.

What time did you set out from that place in the morning?—I think as soon as it was daylight.

What time in the year was it?—I think in the month of March.

Was it not nearly eight o'clock before you set out from that town?—I do not recollect as to the hour; I think it was at daylight we set out.

Was it broad daylight when you set out?—I should imagine it was.

Do you remember whether in consequence of this delay about the passports, your baggage was stopped at the barrier?—All was stopped, everything was stopped; our baggage was on the carriages.

Was the baggage left at the barrier, or did it go on with you to the inn?—The inn is within a few hundred yards of the barrier itself.

Can you recollect whether the baggage was stopped at the barrier, or went on to the inn?—The barrier was beyond the inn; we had to return to the inn.

Then you returned to the inn, and stayed there in consequence of this delay about the passports?—Exactly so.

Do you remember whether the carriages were unloaded on that night or not?—I have not a recollection of the thing at all; I know that I had not my baggage; I do not think they were.

You have been asked respecting a journey from Milan to Rome, by way of Ancona, and afterwards from Rome to Sinigaglia; how many carriages had her Royal Highness?—I do not remember precisely the number, but I should think three or four.

What sort of carriages were they?—There was an English landau, an English landaulet, a little German carriage belonging to William (a calash), and another Roman calash, a carriage made at Rome.

Where did you sleep the first day on your journey from Rome to Sinigaglia?—I do not recollect the name of the town.

Did you not stop at Atricola?—I think that was the second day.

How far did you go that first day? you travelled by night, it being very hot weather?—We travelled by night, and stopped in the heat of the day.

Do you remember where you stopped the second morning, was it not at Nocera?—I think it was, because there are some mineral springs there.

Did you not stop some time at a place called Fano, the third day?—I think we breakfasted there.

How long did you stay there? do you recollect?—We might have stopped there an hour or two, but I cannot say as to the time; I do not think more than that.

How far is Fano from Sinigaglia?—One or two posts; about ten miles, I should think.

At what time did you get to Sinigaglia?—I think it was about one or two o'clock in the day.

Was it not later than that?—I do not recollect; it may have been later.

Do not you remember that it was as late as five o'clock in the afternoon when you got to Sinigaglia?—No, I do not; it is not marked sufficiently upon my memory, the arrival at Sinigaglia, to say whether it was two or five o'clock.

Can you therefore undertake to say that it was not so late as five o'clock?—I will not undertake to say anything about it; it is not marked sufficiently for me to decide.

I have called your recollection to a place called Fano, at which you stopped; do not you recollect seeing Sacchi there?—I do not.

Do not you recollect Sacchi being ill there for short time?—No, I do not recollect it.

Do not you remember seeing him in bed there for a short time, or his going to bed, in consequence of his

having taken something cold, some iced lemonade, or something of that kind, on the road?—I do not; I have not the smallest recollection of it.

Do you remember in what carriage the Princess travelled on that journey from Rome to Sinigaglia?—I think it was the landaulet.

Are you sure it was in the landaulet?—I am not certain, but I think it was. She had travelled in that to Rome; in fact, she almost always travelled in that carriage.

It was very hot weather, and you travelled by night, to avoid the heat of the day?—Precisely so.

Who travelled in the carriage with her Royal Highness?—I rather think the Countess Oldi and Bergami.

Who travelled in the carriage with yourself?—As far as I recollect, it was the two chambermaids and the Count Schiavini. I understand the question to allude to the journey from Rome to Sinigaglia; in going to Rome, I did not travel in that carriage.

Where did little Victorine travel?—She was always with her Royal Highness.

Do you mean to say that she travelled with her Royal Highness the whole way from Rome to Sinigaglia?—I think she did; because I recollect a circumstance that she would not come into our carriage any more, from having been upset going in the journey from Inspruck to the Tyrol, and the child happened to be in our carriage, and after that she would not come with us; that has marked it in my memory.

Notwithstanding that circumstance, can you undertake to say, that Victorine was not occasionally in the carriage in which you travelled from Rome to Sinigaglia?—I do not recollect her having been in that carriage.

Can you swear that she was not?—I swear from my recollection as much as I can; I cannot positively swear she was not, for she might have been, but I do not recollect it.

Who travelled in the third carriage?—I think it was William Austin and Captain Vassali.

What sort of a carriage was that?—A little German carriage belonging to William.

What carriage did you travel in?—In the English landaulet, I think.

I have been speaking at present of the journey from Rome to Sinigaglia; I now wish to call your attention to the journey to Rome; do you remember, at Ancona, seeing Louis Bergami?—Yes.

Did not Louis Bergami go with her Royal Highness and the suite from Ancona to Rome?—I will not be certain as to that fact.

You remember seeing him at Ancona?—Yes, because he came from Rome back to Ancona.

And met you at Ancona?—And met us at Ancona.

Did not he afterwards go with the Princess and her suite to Rome?—That I do not recollect.

You are quite sure you saw him at Ancona?—I feel persuaded that I did see him at Ancona.

Was there a fourth carriage from Rome to Sinigaglia, besides the three you have mentioned?—I have mentioned four.

Who travelled in the fourth?—I travelled in the fourth with a Roman Captain Lancy; that was to Rome.

You have mentioned the persons who travelled in three of the carriages from Rome to Sinigaglia; do you know who travelled in the fourth, from Rome to Sinigaglia, whether Camera and Louis Bergami went in that fourth carriage?—I do not recollect; I cannot say.

Did not Camera and Louis Bergami go from Rome to Sinigaglia in your company?—Positively, I do not know; Louis Bergami went, I think, during the time we were at Rome, once or twice to Milan, but whether he returned with us to Sinigaglia I do not recollect.

Who went as couriers from Rome to Sinigaglia?—I rather think Carlo and Sacchini; I do not know whether those were the two couriers on the journey to Rome; whether they both came with us or not I do not recollect.

Can you swear that you saw Carlo Forti on the road from Rome to Sinigaglia at one time?—I cannot swear that I saw either one or the other; I do not recollect; if there was any one marked point where I might have spoken to them I might have recollected it; but I do not recollect which of the two it was.

Do you remember at Foligno having a difficulty about post-horses, or at the stage after Foligno?—No, I do not remember that.

Do not you remember that you were obliged to take the same post-horses you had at Foligno on another stage, in consequence of that difficulty?—That happened so often, that I do not recollect it; at that time it happened very often.

Can you point out any place on that journey from Rome to Sinigaglia where that did happen?—No, I cannot; I mean to say, in travelling that often happens.

Do you remember this happening in your way to Rome?—No, I do not.

You say you do not remember seeing Carlo; do not you remember seeing Sacchi on that journey from Rome to Sinigaglia?—I do not recollect; my memory is not marked by either one or the other; I do not know which it was.

Will you say that Sacchi did not ride by the side of the Princess's carriage during that journey?—Not having seen him, I cannot say.

How far were you from the Princess's carriage on the journey?—More or less; sometimes close, sometimes at a distance.

Will you swear that you did not see Sacchi in the course of your journey from Rome to Sinigaglia?—I cannot swear to a thing I do not recollect.

Did you ever see Bergami's wife?—No.

Do you know any other of Bergami's family besides Louis?—Yes, there were more in the family.

Who were they?—I do not know their names, but there was one called Raggioneto; I do not know what his name was; another was called Bernard.

Was not Bernard the Raggioneto?—No.

Was it Francesco?—I do not know whether his name was Francesco or not.

Do you know Faustina?—Yes.

What relation is she to Bergami?—His sister.

The Countess Oldi you have mentioned?—I have.

When did you first know that she was the sister of Bergami?—I had heard of it shortly after she came to

the house, but I did not know it positively for some time afterwards.

Did you hear of it or know of it at the time she came into the service of her Royal Highness?—No, I did not.

Did you know Faustina's husband; have you ever seen him, Martini?—Yes, I have seen him.

Where have you seen him?—At the house of the Princess, the Villa d'Este.

When was it that Louis Bergami began to dine at the table of her Royal Highness?—I think it was some short time after our return from the voyage.

Did Faustina ever dine with her Royal Highness?—I never saw her.

Were there any other of Bergami's relations in the family besides those you have mentioned? do you know Pietro, his nephew?—Yes.

Carlini?—Yes.

Another nephew?—I do not know whether he was a nephew or not.

Is he a relation of Bergami's?—I have heard he is.

Do you believe he is?—I believe so from having heard so.

What situations are Petro and Carlini in, in her Royal Highness's service?—Carlini was on the long voyage.

What situation was he in; a footman?—I do not know what situation he was in; he was a servant.

In what situation was Pietro?—I do not know whether I am speaking to the right person; Pietro, as I imagine, was in the stables.

After your return from the long voyage, did not the mother of Bergami begin to be called Madame Livia in the family?—Not more so after than before, to my knowledge.

Had she ever dined at her Royal Highness's table before you set out on that voyage?—I do not recollect; she may or she may not; it is not fixed upon my memory.

At Pesaro did not she regularly dine with her Royal Highness?—She did.

And Louis?—And Louis.

Did Bernardo ever dine at the table with her Royal

Highness at the Barona?—I do not recollect; I do not think he ever did.

Not at the Barona?—I do not recollect having seen him.

Having seen those members of the family whom you have mentioned as dining with her Royal Highness at her table, did you ever see Bergami's wife, the baroness, there?—Never; I have never seen her.

Neither at the Villa d'Este, at Pesaro, nor the Barona?—Neither the one nor the other.

How far is the Barona from Milan?—About two miles.

Are you to be understood to say, that although you have seen the mother and the brother of Bergami and his sister at the table, and those other members of the family in her Royal Highness's service, you never saw his wife at any of the places at which her Royal Highness resided?—I have never seen his wife.

How long were you with her Royal Highness?—Three years.

During that period, did she never come to see her child at her Royal Highness's house?—I never saw her.

When you first joined her Royal Highness at Genoa, did you go there accidentally, or were you sent for by her Royal Highness?—It was by her Royal Highness's command.

From England?—From England.

Where do you reside at present?—At No. 5 Bury-street, St. James's.

Have you not frequently been with her Majesty at Brandenburgh House?—I have.

Almost every day, or every day?—Not almost every day; I have not been there since Saturday.

Before that, were you not there frequently?—I have been only twice since my coming to England the last time: once to make my bow on arriving, and once I think on Saturday; I think those are the only times I have been at Brandenburgh House.

Did you see Schiavini there?—I did.

Both times?—Yes, both times.

How long have you been in England?—I came last Friday week; I think it was Friday week.

Were you in England before?—I have been twice in England.

How long before that?—About a week; I was ten days at home at Rouen.

How long were you in England before you returned for those ten days?—I think about five weeks.

Re-examined by *Mr. Tindal.*

You were asked, whether Faustina, the sister of Bergami, was in the family of her Royal Highness, and you were afterwards asked, whether she was in the house of her Royal Highness at Genoa; you were understood to say, you did not know she was in the family, and afterwards that she was in the house; explain what you meant by that distinction?—I meant to say, that I knew she was in the house at Genoa, but I never imagined she belonged to the household.

You stated that her Royal Highness at the Villa d'Este joined in certain games you mentioned; did the whole of her household join in them, or only the upper attendants?—Only the upper attendants; the footmen never attempted to join in the amusements; the pages, Hieronimus, the chambermaids, and any friends that might have been at the house.

You stated that certain plays were performed at the Villa d'Este?—Yes.

How many years ago is it since those spectacles took place?—I think it was on the return from the long voyage in the winter of 1816.

Have you any better recollection of the incidents or plot of those entertainments than that which you have stated?—None in the least, but common amusement.

Do you remember, when you were at Tunis, a doctor being taken on board?—I do.

Was it before or after that time that Bergami's sleeping-place was altered?—After that time; the doctor occupied the cabin, not exactly the cabin that Bergami had occupied; but there were three persons shifted: I think the Count Schiavini came farther aft, William Austin came next to him, and the doctor took the cabin between.

After that alteration was made, where was Bergami's bed placed?—In the dining-room, within a screen.

You stated that on the occasion of the accident, you described when the Princess came below, you did not know where Bergami went; did he or not go into the cabin which the Princess went into?—There could not have been room; I do not recollect that he went into the cabin, but he could not have gone into the cabin without sleeping upon the floor; besides the whole front of the cabin was cut out; I cut it out myself, as low down as about three feet.

Of what was the front of the cabin composed; of what materials?—Of canvas and plank.

You have stated in answer to a question, that you believed Bergami slept under the tent; what is the ground of that belief?—Because in the time of the squall on the coast of Caramania, which made her Royal Highness come down below, Bergami told me the sea came into the tent; consequently he must have been there, or he could not have known it.

Have you a distinct recollection as to the dress of Bergami on that occasion?—No, I have not.

The question is not how he was dressed, but whether he was dressed or not?—Oh, he was dressed.

Do you believe he was dressed every night when he was under the tent?

The Solicitor-General was astonished to hear such a question from his learned friend. He was astonished to hear him say, "Do you believe he was dressed?" to his own witness; and apprehended the question could not be put.

Mr. Brougham was no less astonished at the objection of the Solicitor-General.

The Lord-Chancellor thought that, under the circumstances of the case, the question could not be put.

Of what nation were the crew of the polacca composed?—Of Neapolitans and Sicilians.

You have stated that half the crew were upon the deck during the night?—Yes.

You stated in an answer, that you thought it necessary that some person besides the Princess should sleep under the tent; what was the ground of that necessity?

—It was never mentioned to me, but I have never considered it otherwise than necessary; the Princess sleeping on deck by herself would not at all have been right.

Were you acquainted with the characters of the different sailors who were employed on board that polacca, before you sailed?—Not at all; I had never seen a single man of them before.

Do you know whether her Royal Highness had seen them?—Certainly not; the vessel was hired at Messina, while she was at Catania.

You have stated, that you have seen the Princess walking arm in arm with Bergami; have you ever seen her walking in the same manner with others of her household?—Yes, she has walked with me; I have seen her with Schiavini, and other gentlemen who have come to visit her at the Villa d'Este, and so forth.

You have stated that Bergami was made grand master of the Order of St. Caroline; do you know who were appointed as the knights of that order?—I was one myself; Mr. Flinn was one; and William Austin, and Hieronimus, and I think Camera; I think Doctor Mocatta was one also, in consequence of his coming as far as Naples to join her Royal Highness for the voyage, but not being able to come then, by not getting his passport in time from the Austrian government.

Was he made an actual knight or an honorary knight of the order?—I do not know; it was only in consideration of his being appointed to accompany her Royal Highness upon the voyage, and not being able, from an obstacle which was thrown in the way by the government under which he lived; I am not quite sure even that he is.

Were the persons whom you have mentioned, exclusive of the doctor, the whole of the persons who arrived at Syracuse with her Royal Highness?—The knights, that is the whole; I have never heard of anybody else, except the doctor whom we took with us; I am not quite sure whether he was or not.

Was this order, such as it was, conferred on all the suite who arrived at Jerusalem?—No, only on the persons I have mentioned.

Mr. Tindal requested leave to put one question, that he ought to have put on the examination-in-chief.

The Lord-Chancellor said that he might do so, the counsel in support of the bill being at liberty to cross-examine upon it.

Was there any English sailor on board the polacca?—There was, as far as Athens.

What became of him?—He went home from that place.

Have you ever seen him since?—Never.

Have you ever been examined by any person upon the subject of your evidence?

The Attorney-General would be glad to learn how that question could possibly apply, in a re-examination? It did not apply.

Mr. Brougham contended that it did apply, and very minutely. The object of it might be to know whether the witness had ever been to Brandenburgh House, for instance, or elsewhere: and what had occurred relative to this matter on that occasion; whether he had been once or twice, or how often, or not at all. The question did apply, and very minutely.

The Lord-Chancellor.—The question may be asked.

Has any application been made to you for information upon this subject, on the part of his Majesty's government?—I was ordered to attend the Admiralty, where I was asked when I had seen James last, and if I knew where he was; except that, none that I recollect.

By a Lord.—Was that person the sailor that was on board the ship?—Yes, he was.

Stanford Law Library
3 6105 06 130 313 2